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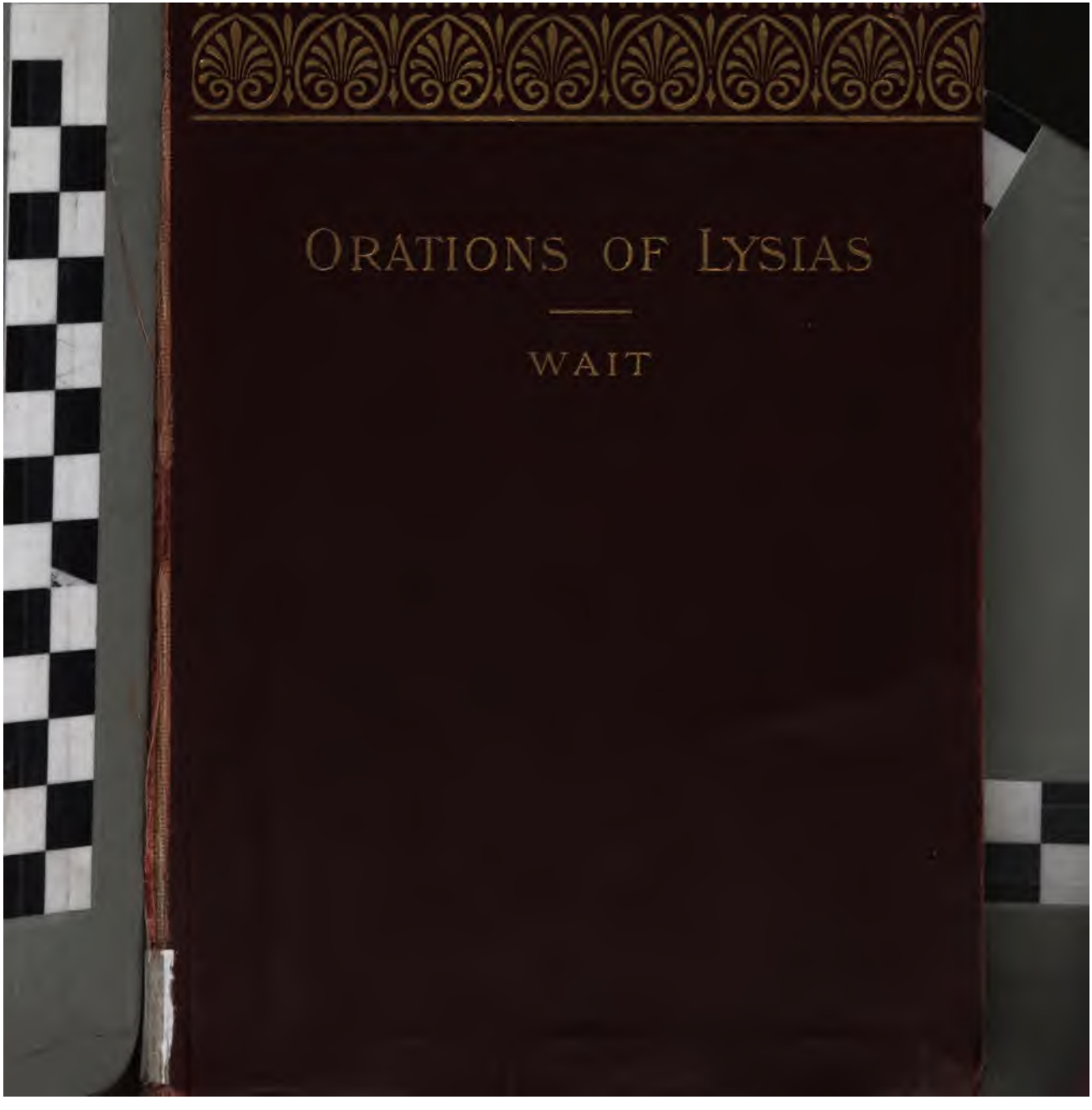
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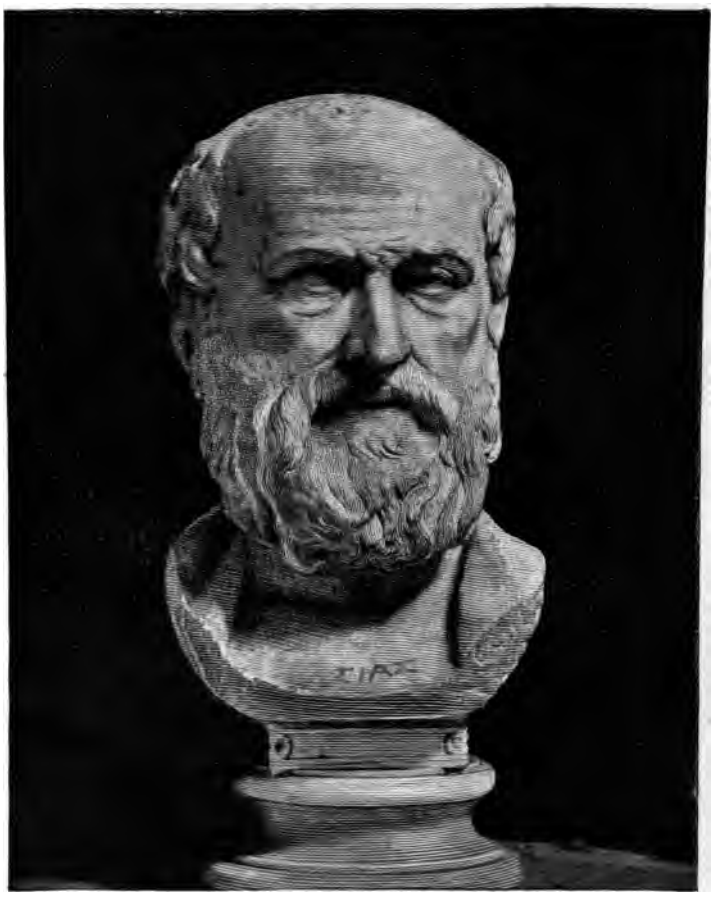

LYSIAS

**From a Bust in the Museum of Naples**

# LYSIAS

## TEN SELECTED ORATIONS

*EDITED*

*WITH INTRODUCTION, NOTES, AND APPENDICES*

BY

WILLIAM H. WAIT, PH.D.
UNIVERSITY OF MICHIGAN

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LYSIAS.

W. P. 2

To My Wife

# PREFACE

THE ten orations contained in the following pages have been selected in the first place with reference to their merit, variety, and interest, and in the second place to illustrate the peculiar qualities and characteristics of Lysias as a rhetorician. They are given in the manuscript order. In reading, however, the student is advised to begin with the oration For Mantitheus or that Against Eratosthenes.

The text of most of the orations here presented is chiefly that of Rauchenstein-Fuhr, though in a number of places the readings of other editors have been preferred. Orations XXVIII and XXIX are from Scheibe's edition with a few changes.

The grammatical notes in some cases, especially on the first two or three orations, may seem to be rather full. They were made so advisedly. In many colleges and universities in this country, Lysias is the first Greek author that is read. Hence it is believed that, at the start, such grammatical help will in no way be found harmful to the brightest and to the best prepared, and very useful and encouraging to the slow and less fortunate in their preparation. It will serve to recall and fix in mind such matters of etymology and syntax as should early become the permanent possession of every student of Greek. Again, by directing the student, through references in the notes, to a solution of such matters for himself, a larger part

of the instructor's time in the classroom may be given to the discussion of the many interesting topics suggested by the subject-matter of what is read, and to a consideration of the author's literary style and merit.

The Map at the beginning, and the Biographical Index near the close of the book, are intended to answer questions on geography and biography that arise in the reading of the orations.

A short list of Idioms and Phrases has also been inserted, to which reference is often made in the notes. Appendices have been added which aim to furnish information on the history, and on the various other topics with which the orations deal, such as the Conspiracy of the Four Hundred, the Downfall of Athens, the Overthrow of the Athenian Democracy, the Thirty Tyrants, Greek Oratory, Athenian Money, Atimia, and Judicial Procedure. To these also constant reference is made in the commentary. The book closes with a brief Chronological Table of the period covered by the orations.

A brief list of useful works is given, near the beginning of the book, to which the student may turn for further information on details.

The editor desires to express his hearty thanks to Professors M. L. D'Ooge and A. H. Pattengill, of the Department of Greek in the University of Michigan: to the former, for reading the manuscript, and for many valuable suggestions; to the latter, for generous assistance in reading the proof-sheets.

WILLIAM H. WAIT.

UNIVERSITY OF MICHIGAN,
May, 1898.

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BOEOTIA
Thebes
Oropus
Plataea
Decelea
GULF OF CORINTH
Phyle
Eleusis
MEGARIS
Athens
Megara
Corinth
Peiraeus
SALAMIS
SARONIC GULF
AEGINA
ATTICA
DACIA
(Ister)
Danube
MOESIA
Balkan Mts.
THRACE
MACEDONIA
Philippi
Amphipolis
Strymon
Nestus
Byzantium
PROPONTIS
THASOS
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CHERSONESUS
Aegospotami
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Cyzicus
Mt. Olympus
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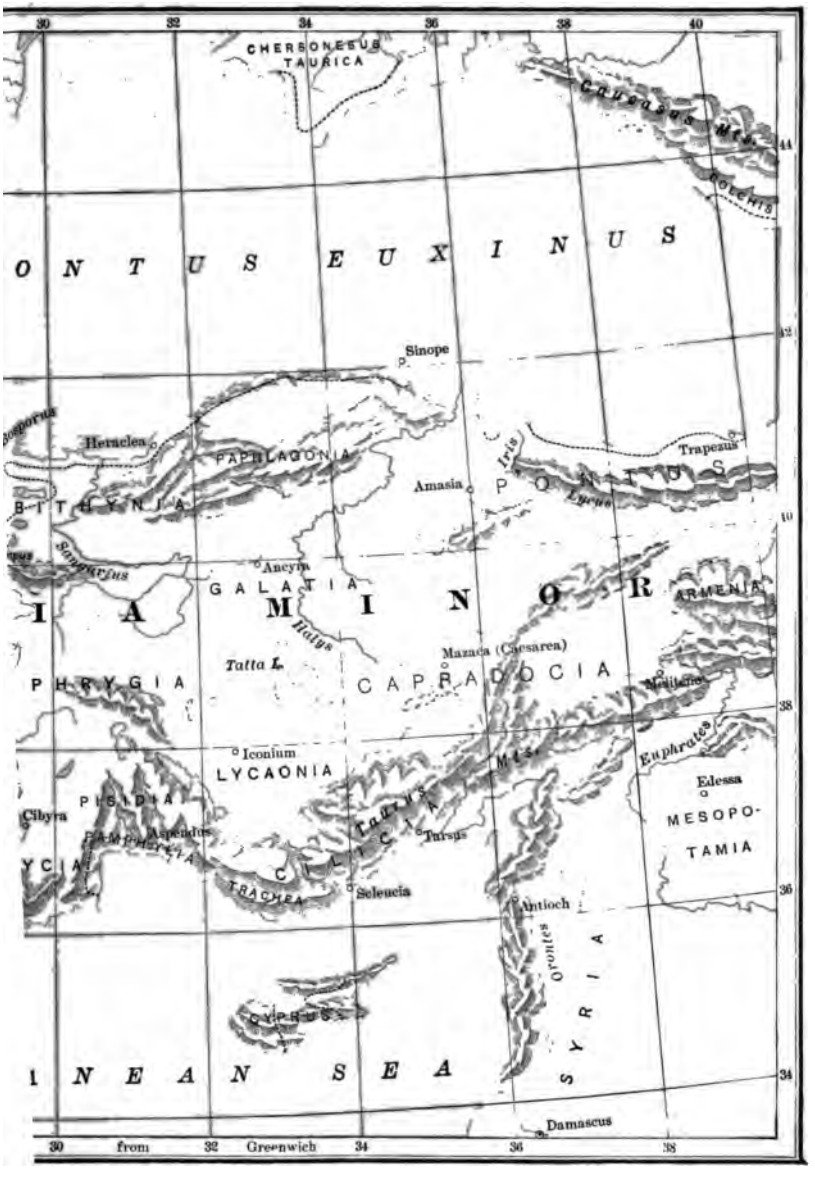
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CHERSONESUS TAURICA
Caucasus Mts.
Rhoetis
ONTUS EUXINUS
Sinope
Bosporus
Heraclea
PAPHLAGONIA
Iris
Trapezus
BITHYNIA
Amasia
PONTUS
Lycus
Sangarius
Ancyra
GALATIA
MINOR
ARMENIA
Halys
Tatta L.
Mazaca (Caesarea)
PHRYGIA
CAPPADOCIA
Melitene
Iconium
LYCAONIA
Euphrates
Mts.
Edessa
PISIDIA
Cibyra
Aspendus
PAMPHYLIA
Taurus
Tarsus
MESOPOTAMIA
CILICIA
TRACHEA
Seleucia
Antioch
Orontes
CYPRUS
SYRIA
NEAN SEA
Damascus
from Greenwich

# INTRODUCTION

## LYSIAS

**Life.** — The birthplace of Lysias is not positively known. According to some authorities, it was the Sicilian city of Syracuse; according to others, Athens. The weight of evidence seems to favor the latter city. At any rate, if not born in Athens, he was but a small child when his father with his family took up his residence in that city. The date of his birth, also, is uncertain. According to the ancient authorities and some critics of the present day, it is 459 B.C. The majority of modern scholars, however, on what appears to be very good ground, put the date at about 444 B.C.

His father, Cephalus, was a Sicilian Greek, and lived in the earlier part of his life in Syracuse. He was a shield manufacturer, and seems to have acquired considerable wealth from his business. He must also have been a man of much personal worth, and possessed of a good degree of literary taste and culture, as he attracted the attention of the great Athenian statesman, Pericles, who often extended invitations to foreigners of opulence and merit to live in Athens and the Peiraeus. It was on such an invitation that Cephalus went to Athens, or rather to her harbor town, the Peiraeus, to dwell, — just when cannot be stated, — attracted also, no doubt, by the opportunity the place afforded for carrying on a successful business in the manufacture of

shields. Not only did he assiduously attend to the business in which he was engaged, but at the same time he indulged his fondness for refined and cultured society. His home soon became a hospitable resort for men of note and scholarly attainments, among them the philosopher Socrates. It is at his house that Plato lays the opening scene of his great work, the Republic, and to Cephalus himself is assigned a not unworthy part in the conversation.

It was in such a home and amid such favorable surroundings that Lysias grew up, receiving the best education that Athens afforded. He doubtless often saw, if he did not meet, the great dramatists Sophocles and Euripides, the sculptor Pheidias, and others who were famous at the time. In 429 B.C., when fifteen years of age, he went in company with his brother Polemarchus to Thurii, a colony in southern Italy. There the brothers engaged in business, though Lysias also devoted much time and attention to the study of rhetoric. His teacher is said to have been Tisias, a Sicilian rhetorician, himself a pupil of Corax, the reputed founder of the art. This knowledge proved highly valuable to Lysias in after life, as we shall see. As long as the Athenian party in Thurii were in power, everything seemed to go well with Lysias and Polemarchus, but in 412–411 B.C., as the Sicilian expedition had failed, the Athenians of Thurii were overcome, and many of their number banished, among them our orator and his brother. Hereupon they returned to Athens to live, and thereafter carried on a prosperous business in the Peiraeus, Polemarchus dwelling in Athens proper, and Lysias in the Peiraeus next to their shield factory. Metics, or resi-

dent foreigners, were not as a rule allowed to own real property, though sometimes exceptions were made. Such was the case with Lysias and Polemarchus, who, we learn, owned the houses in which they lived, and the large factory in which they employed one hundred and twenty slaves. The brothers, since they were metics and therefore not allowed to share in the public government, lived quietly, and devoted themselves to their business, from which, we may well believe, they greatly increased the wealth inherited from their father.

When, however, the Peloponnesian war came to an end, so disastrous to Athens, and the Thirty Tyrants began their infamous reign, misfortune overtook the brothers. The Thirty Tyrants, in order to get money with which to carry on their government, decided to put to death certain wealthy metics, as having no part in public affairs, nor any special rights which they felt bound to respect. Lysias and his brother were among the unfortunates that were proscribed. Lysias vividly relates in his oration against Eratosthenes, how Polemarchus was arrested in the upper city, imprisoned, and put to death, how he himself succeeded in making his escape from the house of Damnippus where he was held under guard, and how, by taking refuge with a shipmaster, Archeneus, he, after learning of the fate of his brother, embarked in a boat and fled to Megara under cover of the night.

Lysias remained in exile till the overthrow of the Thirty. During his absence he gave much encouragement and material aid to the democracy in its endeavor to reëstablish itself. Though his property at Athens

who received money for services other than those rendered to the state. Lysias, however, by reason of his status as a metic, being excluded from participation in public matters, in which he doubtless would have distinguished himself, had a far better reason for writing speeches for pay than had many others, like Demosthenes, for example, whose status as citizens made such a business less excusable in the eyes of the Athenians.

Lysias and Polemarchus, as well as their father, Cephalus, before them, though not citizens of Athens, were granted privileges not usually accorded to metics. The class to which they belonged were called ἰσοτελεῖς, that is, metics who were not required to have a patron (προστάτης), nor to pay an alien duty (μετοίκιον), as in the case of unprivileged metics, but had to pay taxes with the citizens, and perform liturgies, or certain public services at their own expense.

Lysias had, besides Polemarchus, another brother, Euthydēmus, and one sister. Polemarchus, according to Plato, was inclined to philosophical pursuits. Of Euthydemus and the sister little or nothing is known. Lysias married his sister's daughter, but we have no knowledge that he had any children.

The date of his death, like that of his birth, is not definitely known. One authority, the Pseudo-Plutarch, says that he lived to be eighty years of age. The latest work that has come down to us, the speech For Pherenīcus, was written about 380 B.C. It is thought that he died soon after that date. The study of this graceful orator through his speeches and the comments of the ancient critics shows him to have been a man of superior mental gifts and of lofty character.

**Style.** — The Sicilian rhetoric in which Lysias received his early training while at Thurii in southern Italy, had several marked characteristics. It was verbose, florid, and very artificial in style, and abounded in sharp antitheses, elaborate parallelisms, alliterations, and showy ornamentation. For the demands of the court room, which was filled with all classes of people seeking redress for injuries received, or defending their rights and lives against malicious attacks, this brilliant rhetoric was insufficient. This was seen and modified somewhat by the speech writers who preceded Lysias. Yet even with the slight modification it received at their hands, it was still too florid, too artificial, too showy for the practical purposes of the courts. All speeches for the most part were cast in the same general mold, characterized by the same literary style, and framed without regard for the requirements of the cases in question, and the peculiarities of those for whom they were composed.

Lysias was the first to see the absurdity and the inadequacy of such a fixed style and pattern for court speeches. He saw that the court room, in which practical, serious matters came up for adjudication, was not the place, primarily, for the display of florid, turgid, and high-sounding speeches, but rather for plain, clear statements of facts, and forcible arguments. So different is the style of his oratory from that of the artificial and brilliant Sicilian rhetoric, that it may be considered as marking a new epoch in the history and development of oratory among the Greeks. By reason of the plain, straightforward character of his speeches, and the absence of redundancy and useless ornament, Lysias was

regarded by the ancients as the inventor of the Plain Style of oratory.

One of the chief characteristics of the style of Lysias, then, is his skill in adapting the treatment of a case and the language employed to the needs and the station of the client who seeks his services as speech writer. Another striking characteristic of Lysias is his power in the delineation of character, — *ἠθοποιία*, as the Greeks termed it. The delineations that appear in his speeches are in many cases exceedingly vivid and striking; as, for example, the portrayal of the character of the honest man accused of removing from his farm an olive stump, that of the pert and serio-comic cripple, and those of the chief actors in the speech against Diogeiton. In all these cases the characters stand out as clearly and distinctly as if sketched by some skillful writer of fiction.

In addition to the qualities of style already mentioned, Dionysius of Halicarnassus, a noted critic of the first century B.C., mentions the following: —

(*a*) Purity, or the absence of obsolete, strange, and far-fetched language, and the use of words and constructions common to the idiom of the day.

(*b*) Simplicity, or the use of ordinary words in their usual sense, and the avoidance of all save the most common and natural figures of speech.

(*c*) Perspicuity, or clearness of statement.

(*d*) Brevity, or the use of the fewest words, consistent with clearness, for the expression of his thoughts.

(*e*) Vividness, or the power of making his hearers clearly see what is described.

(*f*) Propriety, or the adaptation of his speeches to the time, place, and occasion of their use.

(*g*) Charm, or an exquisite grace of diction which cannot be analyzed, but can be felt and enjoyed by readers of keen sensibilities. This peculiar character of diction Dionysius considered the chief quality in the style of Lysias. No other orator, in that critic's judgment, possessed it in the same degree.

In ancient times many speeches were incorrectly assigned to Lysias for authorship. Of these Dionysius rejected many as unworthy of that orator. In cases of great doubt, where the other qualities of the style of Lysias did not lead him to a decision, he relied chiefly on that characteristic grace and charm to aid him in his judgment, thinking that 'to write winningly, gracefully, with loveliness, was the gift of Lysias.' Lysias also sometimes made use of wit and humor with good effect. An excellent specimen of his skill in the use of these weapons of oratory may be seen in his speech For the Cripple.

Lysias was highly esteemed also by eminent Roman writers. Though not cast in so large a mold as Demosthenes, yet in his class, so to speak, he stood alone in the clearness, force, and beauty of his style. Cicero (Brut. § 35) says: "Tum fuit Lysias, ipse quidem in causis forensibus non versatus, sed egregie subtilis (*simple*) scriptor atque elegans, quem jam prope audeas oratorem perfectum dicere. (Orat. § 29) Dicat igitur Attice venustissimus ille scriptor ac politissimus Lysias, quis enim id possit negare? Dum intellegamus hoc esse Atticum in Lysia, non quod tenuis sit atque inornatus, sed quod nihil habeat insolens, aut ineptum."

Quintilian says of Lysias (X, I. 78): "Subtilis atque elegans, et quo nihil, si oratori satis sit docere quaeras

perfectius. Nihil enim est inane, nihil arcessitum, puro tamen fonte quam magno flumine proprior."

**Structure of the Speeches.** — Lysias, in the arrangement of the material of his speeches, usually makes four divisions, the Introduction, the Narrative or statement of facts, the Proof, and the Peroration or summing up of the case. These divisions vary in length and importance in different speeches, according to the nature of the case in hand. In some orations one division is entirely wanting or embodied in some other part, as, for example, the Narrative, which we find sometimes incorporated in the Proof. Occasionally, also, the Introduction is omitted.

The Introduction aims to render the hearer well disposed and attentive, and to prepare him for what is to follow. Much often depends on the character of this part of the speech, as to the frame of mind and heart in which the listener receives the remaining portions. In the treatment of this division of his orations, Lysias showed so much skill and tact that he is especially commended by the critic Dionysius of Halicarnassus.

In the next division, namely, the Narrative portions of his orations, Lysias is at his best. He presents the facts of the case in question in such terse, plain language, and in a manner so charming and convincing, that Dionysius places him above all other orators in the treatment of this part of a speech.

In the third part, the Proof, Lysias is not so good. He is generally, though not always, logical, but lacks the intense spirit and power to strengthen the force of an argument or plea that some other orators, as Demosthenes, for example, possessed in the highest degree.

In the Peroration, or last division of his speeches, he recapitulates well, but often fails again in that earnestness, intensity, and force necessary to carry conviction to the hearer.

**Works.** — Lysias was the best and most noted λογογράφος of his time. For this reason many speeches of unknown authorship, and possessing in a general way the characteristics of the plain style, were wrongly attributed to him. The ancients assigned to him as many as four hundred and twenty-five orations. Of these Dionysius of Halicarnassus, about three hundred years later in time than our orator, rejected one hundred and ninety-two, as spurious, leaving two hundred and thirty-three that he regarded as genuine. Of this number there have come down to us thirty-one complete orations according to the Palatine manuscript, though six or eight of them are thought by many to be spurious.

Besides the thirty-one speeches of the Palatine manuscript, four others have been preserved for us, three, in part, by the critic Dionysius, who embodied portions of them in his works, as furnishing good examples of the style and art of Lysias, and one, the Eroticus, or Oration on Love, contained in the Phaedrus of Plato.

We have already mentioned the fact that the speeches of Lysias, as we have them, extend over a period of about twenty-three years, from 403 B.C. — the probable date of the oration Against Eratosthenes — to 380 B.C., the date assigned to the speech For Pherenīcus, which, so far as we know, was his latest oration. These speeches, together with the fragments, and the titles of many others, show how great was the variety of

cases in which the services of Lysias as λογογράφος were sought. There were speeches for public and private cases in court, speeches for the General Assembly on matters of constitutional or public polity, and speeches for funeral and festive occasions called epideictic, intended for show or eulogy. Two of these show pieces ascribed to Lysias have come down to our time, II and XXXIII (not complete), the former of which, the Epitaphius or Funeral Oration, is now by many considered spurious, though it was accepted without question in antiquity.

In all this variety we see the regard that Lysias had for the proprieties of time, place, and occasion, always suiting the treatment and language to his theme. His orations contain much valuable material for the study of the private life and customs of the ancient Greeks.

## REFERENCES

### Life

ANCIENT:

Lysias: Against Eratosthenes, §§ 4–16.
Plato: Republic (at the opening); also here and there in the Phaedrus.
Pseudo-Demosthenes: LIX, 21 ff.
Athenaeus: p. 592 f.
Dionysius of Halicarnassus: περὶ Λυσίου (a very brief biography).
Pseudo-Plutarch: Moralia, p. 835, C, ff.
Photius: Bibl. 262, and 8.
Suidas: s.v. Λυσίας.

MODERN:

Hoelscher's De Vita et Scriptis Lysiae Oratoris. Berolini, 1837.
Blass: Die Attische Beredsamkeit, Vol. I, p. 399 ff.
Jebb: Attic Orators, Vol. I, p. 140 ff.
Encyclopedias, and Histories of Greek Literature.

### Style

ANCIENT:

Dionysius of Halicarnassus: *περὶ Λυσίου.*
Cicero: De Orat. III, 7, 28; Orat. §§ 29, 226; De Op. gen. Or. §§ 9, 10; Brut. §§ 35, 63, 64, 66, 67.
Quint.: III, 8, 51; IX, 4, 17; X, 1, 78; XII, 10, 21.
A. Gellius: Noctes, II, 5.
Plutarch: Cato, VII.

MODERN:

Blass: Die Attische Beredsamkeit, Vol. I, p. 381 ff.
Jebb: Attic Orators, Vol. I, p. 155 ff.
Histories of Greek Literature.

### Works

Blass: Die Attische Beredsamkeit, Vol. I, p. 353 ff.
Jebb: Attic Orators, Vol. I, p. 194 ff.
Histories of Greek Literature.

## MANUSCRIPTS

The manuscripts of the Orations of Lysias are somewhat unsatisfactory. The earliest is the Codex Palatinus X (Heidelbergensis 88) written in the twelfth century. It was brought from Nicaea to Italy, thence taken to Heidelberg, later (1622) carried to Rome, afterwards (1797) taken to Paris by Napoleon, and finally (1815) was again carried to Heidelberg. It consists of one hundred and forty-two leaves of parchment written by one person, who also made most of the corrections found in it, only a few being made by a second hand. Some portions of the original manuscript were lost in transferring it from the East. Another portion, containing Oration II, is so badly stained with ink as to be in places quite illegible. Orations XXXII, XXXIII, and

XXXIV, which do not appear in this manuscript, are preserved to us in part by the critic Dionysius of Halicarnassus, who copied them to illustrate the peculiarities of the style of Lysias, as already stated under the Works of Lysias.

The other manuscripts are copies of this parchment, in its mutilated and defaced condition, as has been shown by Sauppe. They all, together with the first printed edition of the orations made by Aldus, contain the same lacunae, and show the same difficulties in dealing with the ink-stained passage of the original. Of these copies we shall mention only the following:

Codex Laurentianus C (pl. 57, 4).
Codex Vaticanus M (66).
Codex Urbanus O (117).

## SOME PREVIOUS EDITIONS OF THE ORATIONS OF LYSIAS

Selected Orations of Lysias, with notes explanatory and critical, have been edited by various scholars, of which we mention the following:

ENGLISH EDITIONS:

Stevens: Orations II, VII, XII, XIII, XXII.
Whiton: Orations VII, XII, XVI, XXV.
Shuckburgh: Orations V, VII, IX, X, XII, XIII, XIV, XVI, XVII, XIX, XXII, XXIII, XXIV, XXVIII, XXX, XXXII.
Bristol: Orations VII, XII, XVI, XVII, XIX, XXII, XXIII, XXIV, XXXII, XXXIII.
Morgan: Orations VII, XII, XVI, XXII, XXIII, XXIV, XXXI, XXXII.

GERMAN EDITIONS:

Rauchenstein: Orations VII, XII, XIII, XVI, XIX, XXII, XXIII, XXIV, XXV, XXX, XXXI, XXXII. Revised many times by himself and Fuhr.

Frohberger: 3 Vols. Vol. I — Orations XII, XIII, XXV; Vol. II — Orations I, X, XIV, XV, XXXII; Vol. III — Orations XVI, XIX, XXIV, XXX, XXXI. Vol. I has been revised by Gebauer.

Frohberger: small edition of the former. Vol. I — Orations XII, XIII, XVI, XXV, XXXI; Vol. II — VII, X, XIV, XV, XIX, XXII, XXIV, XXX, XXXII. Vol. I revised by Gebauer. Vol. II revised by Thalheim.

Kocks: 2 Vols. Vol. I — Orations VII, XII, XIII, XVI, XIX; Vol. II — Orations XXI, XXII, XXIII, XXIV, XXV, XXVIII, XXX, XXXI, XXXII, XXXIII.

Weidner: Orations I, VII, X, XII, XIII, XVI, XIX, XXII, XXIII, XXIV, XXV, XXX, XXXI, XXXII.

Convenient text editions (without notes) of all the orations of Lysias have been prepared by Westermann (1854), Cobet (1863), and Scheibe (1874). Scheibe's edition has been reprinted several times.

## HELPFUL WORKS IN THE STUDY OF LYSIAS

IN ENGLISH:

Becker: Charicles, especially the Excursuses (translated from the German by Metcalfe).

Blümner: The Home Life of the Ancient Greeks (translated from the German by Alice Zimmern).

Gilbert: The Constitutional Antiquities of Sparta and Athens (translated from the German by Brooks and Nicklin).

Gow: A Companion to School Classics. Third Edition, revised 1893. This is a very valuable book, convenient, and not expensive. It should be in the library of every classical student for ready reference.

Greenidge: A Handbook of Greek Constitutional History.

Jebb: The Attic Orators from Antiphon to Isaeus. Vol. I. The standard work in English.

Mahaffy: Old Greek Life (handy for ready reference on many points).

Schömann: The Antiquities of Greece, — The State (translated from the German by Hardy and Mann).
Smith: Dictionary of Greek and Roman Antiquities.
Harper: Dictionary of Classical Literature and Antiquities.

IN GERMAN:

Blass: Die Attische Beredsamkeit. Second Edition.
Boeckh: Staatshaushaltung der Athener. Third Edition by Fränkel.
Guhl and Koner: Das Leben der Griechen und Römer. Sixth Edition by Engelmann.
Hermann: Lehrbuch der Griechischen Privatalterthümer. Third Edition by Blümner.
Hermann: Lehrbuch der Griechischen Rechtsalterthümer. Third Edition by Thalheim.
Hermann: Lehrbuch der Griechischen Staatsalterthümer. Sixth Edition by Thümser.
Meier and Schömann: Der Attische Process. Revised by Lipsius.
Meisterhans: Grammatik der Attischen Inschriften. Second Edition.
Schömann: Griechische Alterthümer. Third Edition.
Volkmann: Die Rhetorik der Griechen und Römer. Second Edition.

# VII

## ΑΡΕΟΠΑΓΙΤΙΚΟΣ

## ΠΕΡΙ ΤΟΥ ΣΗΚΟΥ ΑΠΟΛΟΓΙΑ

This speech was made in answer to one Nicomachus, a young man known to us by name only, who had charged the accused with the removal of a sacred olive stump from the ground. The olive tree was held sacred by the Attic people, because it was supposed to have been first planted by their protecting goddess, Athena, on the Acropolis of Athens. On account of this belief regarding the origin of the tree and its great value as furnishing excellent wood for various purposes, as well as fruit and oil, it was most carefully guarded. Stringent laws were enacted to insure the preservation of olive trees, and severe penalties inflicted on trespassers. It was believed that shoots taken from the first olive tree on the Acropolis were planted, first in the Academy (Pausanias, I, 30, 2; Aristoph. *Clouds*, 1005), and then in various other parts of Attica, and that this was the origin of the olive groves in that country. Some of these trees were private (*ἴδιαι ἐλαῖαι*), others were public (*μορίαι*), standing in many cases on the private property of individuals. If a tree was cut down, the remaining stump was carefully protected by a fence, as from its roots sprang many new shoots. The inclosure was called *σηκός*. Later, however, this word was made to mean not only the inclosing fence, but also the stump

itself, together with the ground close to it, which no one was allowed to cultivate.

The penalty for removing a public olive tree (*μορία*) was exile and confiscation of property. No owner of private olive trees (*ἐλᾶαι*) could, without special permission, cut down and use for private purposes more than two in a year, under penalty of two hundred drachmas (about $36) for each tree. If he encroached on the roots of an olive stump (*σηκός*) by cultivating the ground about it, he was also fined. Officers called *ἐπιγνώμονες*, *inspectors*, were appointed each year to exercise a general supervision over the olive trees; while *ἐπιμεληταί*, *curators*, were elected to examine and report on them each month. The Areopagus (see App. III, 8) had general charge of the protection of these trees, because that body exercised jurisdiction over cases of sacrilege, under which an injury to an olive tree was classed.

The plaintiff, Nicomachus, brought this suit, probably at the instance of some enemy of the defendant, or was one of that detested and greatly feared class of informers called Sycophants, who often instituted trials without foundation, in order to get hush money from the accused, who usually in such cases was a man of means. The present case was apparently without ground, and entirely refuted by the defendant, who seems to show conclusively that there had been no olive stump on the farm during his ownership of it. After disposing of the case proper, he continues the discussion of the matter on the ground of probabilities, and argues that he could have had no possible motive in removing the stump, as there was nothing to be gained by it, and

that he would have been reckless, indeed, knowing, as he did, the penalty for such conduct.

The date of the speech, judging from §§ 11 and 42, was probably about 395 B.C. It is treated by Jebb, p. 284, and by Blass, p. 598.

Πρότερον μέν, ὦ βουλή, ἐνόμιζον ἐξεῖναι τῷ βουλομένῳ, ἡσυχίαν ἄγοντι, μήτε δίκας ἔχειν μήτε πράγματα· νυνὶ δὲ οὕτως ἀπροσδοκήτοις αἰτίαις καὶ πονηροῖς συκοφάνταις περιπέπτωκα, ὥστ' εἴ πως οἷόν τε, δοκεῖ μοι δεῖν καὶ τοὺς μὴ γεγονότας ἤδη δεδιέναι περὶ τῶν μελλόντων ἔσεσθαι· διὰ γὰρ τοὺς τοιούτους οἱ κίνδυνοι κοινοὶ γίγνονται καὶ τοῖς μηδὲν ἀδικοῦσι καὶ τοῖς πολλὰ ἡμαρτηκόσιν. 2 οὕτω δ' ἄπορος ὁ ἀγών μοι καθέστηκεν, ὥστε ἀπεγράφην τὸ μὲν πρῶτον ἐλάαν ἐκ τῆς γῆς ἀφανίζειν, καὶ πρὸς τοὺς ἐωνημένους τοὺς καρποὺς τῶν μοριῶν πυνθανόμενοι προσῆσαν· ἐπειδὴ δ' ἐκ τούτου τοῦ τρόπου ἀδικοῦντά με οὐδὲν εὑρεῖν ἐδυνήθησαν, νυνί με σηκόν φασιν ἀφανίζειν, ἡγούμενοι ἐμοὶ μὲν ταύτην τὴν αἰτίαν ἀπορωτάτην εἶναι ἀπελέγξαι, αὐτοῖς 3 δὲ ἐξεῖναι μᾶλλον ὅ τι ἂν βούλωνται λέγειν. καὶ δεῖ με, περὶ ὧν οὗτος ἐπιβεβουλευκὼς ἧκει, ἅμ' ὑμῖν τοῖς διαγνωσομένοις περὶ τοῦ πράγματος ἀκούσαντα καὶ περὶ τῆς πατρίδος καὶ περὶ τῆς οὐσίας ἀγωνίσασθαι. ὅμως δὲ πειράσομαι ἐξ ἀρχῆς ὑμᾶς διδάξαι. 4 Ἦν μὲν γὰρ τοῦτο Πεισάνδρου τὸ χωρίον, δημευθέντων δὲ ἐκείνου τῶν ὄντων Ἀπολλόδωρος ὁ Μεγαρεὺς δωρεὰν παρὰ τοῦ δήμου λαβὼν τὸν μὲν

ἄλλον χρόνον ἐγεώργει, ὀλίγῳ δὲ πρὸ τῶν τριάκοντα
Ἀντικλῆς παρ' αὐτοῦ πριάμενος ἐξεμίσθωσεν· ἐγὼ
5 δὲ παρ' Ἀντικλέους εἰρήνης οὔσης ὠνοῦμαι. ἡγοῦ-
μαι τοίνυν, ὦ βουλή, ἐμὸν ἔργον ἀποδεῖξαι ὡς,
ἐπειδὴ τὸ χωρίον ἐκτησάμην, οὔτ' ἐλάα οὔτε σηκὸς
ἐνῆν ἐν αὐτῷ. νομίζω γὰρ τοῦ μὲν προτέρου χρόνου,
οὐδ' εἰ πάλαι ἐνῆσαν μυρίαι, οὐκ ἂν δικαίως ζημι-
οῦσθαι· εἰ γὰρ μὴ δι' ἡμᾶς εἰσιν ἠφανισμέναι,
οὐδὲν προσήκει περὶ τῶν ἀλλοτρίων ἁμαρτημάτων
6 ὡς ἀδικοῦντας κινδυνεύειν. πάντες γὰρ ἐπίστασθε
ὅτι ὁ πόλεμος καὶ ἄλλων πολλῶν αἴτιος κακῶν
γεγένηται, καὶ τὰ μὲν πόρρω ὑπὸ Λακεδαιμονίων
ἐτέμνετο, τὰ δ' ἐγγὺς ὑπὸ τῶν φίλων διηρπάζετο·
ὥστε πῶς ἂν δικαίως ὑπὲρ τῶν τότε τῇ πόλει γεγε-
νημένων συμφορῶν ἐγὼ νυνὶ δίκην διδοίην; ἄλλως
τε καὶ ὅτι τοῦτο τὸ χωρίον ἐν τῷ πολέμῳ δημευθὲν
7 ἄπρατον ἦν πλέον ἢ τρία ἔτη. οὐ θαυμαστὸν δ'
εἰ τότε τὰς μορίας ἐξέκοπτον, ἐν ᾧ οὐδὲ τὰ ἡμέτερ'
αὐτῶν φυλάττειν ἐδυνάμεθα. ἐπίστασθε δέ, ὦ
βουλή, ὅσῳ μάλιστα τῶν τοιούτων ἐπιμελεῖσθε,
πολλὰ ἐν ἐκείνῳ τῷ χρόνῳ δασέα ὄντα ἰδίαις καὶ
μορίαις ἐλάαις, ὧν νῦν τὰ πολλὰ ἐκκέκοπται καὶ ἡ
γῆ ψιλὴ γεγένηται· καὶ τῶν αὐτῶν καὶ ἐν τῇ εἰρήνῃ
καὶ ἐν τῷ πολέμῳ κεκτημένων οὐκ ἀξιοῦτε παρ'
8 αὐτῶν, ἑτέρων ἐκκοψάντων, δίκην λαμβάνειν. καίτοι
εἰ τοὺς διὰ παντὸς τοῦ χρόνου γεωργοῦντας τῆς
αἰτίας ἀφίετε, ἥ που χρὴ τούς γ' ἐν τῇ εἰρήνῃ πρια-
μένους ἀφ' ὑμῶν ἀζημίους γενέσθαι.

9 Ἀλλὰ γάρ, ὦ βουλή, περὶ μὲν τῶν πρότερον γεγενημένων πολλὰ ἔχων εἰπεῖν ἱκανὰ νομίζω τὰ εἰρημένα· ἐπειδὴ δ' ἐγὼ παρέλαβον τὸ χωρίον, πρὶν ἡμέρας πέντε γενέσθαι, ἀπεμίσθωσα Καλλιστράτῳ,
10 ἐπὶ Πυθοδώρου ἄρχοντος· ὃς δύο ἔτη ἐγεώργησεν, οὔτε ἰδίαν ἐλάαν οὔτε μορίαν οὔτε σηκὸν παραλαβών. τρίτῳ δὲ ἔτει Δημήτριος οὑτοσὶ εἰργάσατο· τῷ δὲ τετάρτῳ Ἀλκίᾳ Ἀντισθένους ἀπελευθέρῳ ἐμίσθωσα, ὃς τέθνηκε· κᾆτα τρία ἔτη ὁμοίως καὶ Πρωτέας ἐμισθώσατο. Καί μοι δεῦρ' ἴτε μάρτυρες.

ΜΑΡΤΥΡΕΣ

11 Ἐπειδὴ τοίνυν ὁ χρόνος οὗτος ἐξήκει, αὐτὸς γεωργῶ. φησὶ δὲ ὁ κατήγορος ἐπὶ Σουνιάδου ἄρχοντος σηκὸν ὑπ' ἐμοῦ ἐκκεκόφθαι. ὑμῖν δὲ μεμαρτυρήκασιν οἱ πρότερον ἐργαζόμενοι καὶ πολλὰ ἔτη παρ' ἐμοῦ μεμισθωμένοι μὴ εἶναι σηκὸν ἐν τῷ χωρίῳ. καίτοι πῶς ἄν τις φανερώτερον ἐξελέγξειε ψευδόμενον τὸν κατήγορον; οὐ γὰρ οἷόν τε, ἃ πρότερον μὴ ἦν, ταῦτα τὸν ὕστερον ἐργαζόμενον ἀφανίζειν.
12 Ἐγὼ τοίνυν, ὦ βουλή, ἐν μὲν τῷ τέως χρόνῳ, ὅσοι με φάσκοιεν δεινὸν εἶναι καὶ ἀκριβῆ καὶ οὐδὲν ἂν εἰκῇ καὶ ἀλογίστως ποιῆσαι, ἠγανάκτουν ἄν, αἱρούμενος μᾶλλον λέγεσθαι ὥς μοι προσῆκε· νῦν δὲ πάντας ἂν ὑμᾶς βουλοίμην περὶ ἐμοῦ ταύτην τὴν γνώμην ἔχειν, ἵνα ἡγῆσθέ με σκοπεῖν εἴπερ τοιούτοις ἔργοις ἐπεχείρουν, καὶ ὅ τι κέρδος ἐγίγνετό μοι ἀφανίσαντι καὶ ἥτις ζημία περιποιήσαντι, καὶ

τί ἂν λαθὼν διεπραξάμην καὶ τί ἂν φανερὸς γενό-
13 μενος ὑφ' ὑμῶν ἔπασχον. πάντες γὰρ ἄνθρωποι τὰ
τοιαῦτα οὐχ ὕβρεως ἀλλὰ κέρδους ἕνεκα ποιοῦσι·
καὶ ὑμᾶς εἰκὸς οὕτω σκοπεῖν, καὶ τοὺς ἀντιδίκους
ἐκ τούτων τὰς κατηγορίας ποιεῖσθαι, ἀποφαίνον-
14 τας ἥτις ὠφέλεια τοῖς ἀδικήσασιν ἐγίγνετο. οὗτος
μέντοι οὐκ ἂν ἔχοι ἀποδεῖξαι οὔθ' ὡς ὑπὸ πενίας
ἠναγκάσθην τοιούτοις ἔργοις ἐπιχειρεῖν, οὔθ' ὡς
τὸ χωρίον μοι διαφθείρεται τοῦ σηκοῦ ἐνόντος, οὔθ'
ὡς ἀμπέλοις ἐμποδὼν ἦν, οὔθ' ὡς οἰκίας ἐγγύς, οὔθ'
ὡς ἐγὼ ἄπειρος τῶν παρ' ὑμῖν κινδύνων. ἐγὼ δέ,
εἴ τι τοιοῦτον ἔπραττον, πολλὰς ἂν καὶ μεγάλας
15 ἐμαυτῷ ζημίας γιγνομένας ἀποφήναιμι· ὃς πρῶτον
μὲν μεθ' ἡμέραν ἐξέκοπτον τὸν σηκόν, ὥσπερ οὐ
πάντας λαθεῖν δέον, ἀλλὰ πάντας Ἀθηναίους εἰδέ-
ναι. καὶ εἰ μὲν αἰσχρὸν ἦν μόνον τὸ πρᾶγμα, ἴσως
ἄν τις τῶν παριόντων ἠμέλησε· νῦν δ' οὐ περὶ
αἰσχύνης ἀλλὰ τῆς μεγίστης ζημίας ἐκινδύνευον.
16 πῶς δ' οὐκ ἂν ἦν ἀθλιώτατος ἀνθρώπων ἁπάντων,
εἰ τοὺς ἐμαυτοῦ θεράποντας μηκέτι δούλους ἔμελ-
λον ἕξειν ἀλλὰ δεσπότας τὸν λοιπὸν βίον, τοιοῦτον
ἔργον συνειδότας; ὥστε εἰ καὶ τὰ μέγιστα εἰς ἐμὲ
ἐξημάρτανον, οὐκ ἂν οἷόν τε ἦν δίκην παρ' αὐτῶν
λαμβάνειν· εὖ γὰρ ἂν ᾔδειν ὅτι ἐπ' ἐκείνοις ἦν καὶ
ἐμὲ τιμωρήσασθαι καὶ αὐτοῖς μηνύσασιν ἐλευθέροις
17 γενέσθαι. ἔτι τοίνυν εἰ τῶν οἰκετῶν παρέστη μοι
μηδὲν φροντίζειν, πῶς ἂν ἐτόλμησα τοσούτων μεμι-
σθωμένων καὶ ἁπάντων συνειδότων ἀφανίσαι τὸν

σηκὸν βραχέος μὲν κέρδους ἕνεκα, προθεσμίας δὲ
οὐδεμιᾶς οὔσης τῷ κινδύνῳ τοῖς εἰργασμένοις ἅπασι
τὸ χωρίον ὁμοίως προσῆκον εἶναι σῶν τὸν σηκόν,
ὥ' εἴ τις αὐτοὺς ᾐτιᾶτο, εἶχον ἀνενεγκεῖν ὅτῳ παρέ-
δοσαν; νῦν δὲ καὶ ἐμὲ ἀπολύσαντες φαίνονται, καὶ
σφᾶς αὐτούς, εἴπερ ψεύδονται, μετόχους τῆς αἰτίας
18 καθιστάντες. εἰ τοίνυν καὶ ταῦτα παρεσκευασάμην,
πῶς ἂν οἷός τ' ἦν πάντας πεῖσαι τοὺς παριόντας ἢ
τοὺς γείτονας, οἳ οὐ μόνον ἀλλήλων ταῦτ' ἴσασιν ἃ
πᾶσιν ὁρᾶν ἔξεστιν, ἀλλὰ καὶ περὶ ὧν ἀποκρυπτό-
μεθα μηδένα εἰδέναι, καὶ περὶ ἐκείνων πυνθάνονται;
ἐμοὶ τοίνυν τούτων οἱ μὲν φίλοι οἱ δὲ διάφοροι περὶ
19 τῶν ἐμῶν τυγχάνουσιν ὄντες. οὓς ἐχρῆν τοῦτον
παρασχέσθαι μάρτυρας, καὶ μὴ μόνον οὕτως τολ-
μηρὰς κατηγορίας ποιεῖσθαι· ὃς φησιν ὡς ἐγὼ μὲν
παρειστήκειν, οἱ δ' οἰκέται ἐξέτεμνον τὰ πρέμνα,
ἀναθέμενος δὲ ὁ βοηλάτης ᾤχετο ἀπάγων τὰ ξύλα.
20 Καίτοι, ὦ Νικόμαχε, χρῆν σε τότε καὶ παρακαλεῖν
τοὺς παριόντας μάρτυρας, καὶ φανερὸν ποιεῖν τὸ
πρᾶγμα· καὶ ἐμοὶ μὲν οὐδεμίαν ἂν ἀπολογίαν ὑπέ-
λιπες, αὐτὸς δέ, εἰ μέν σοι ἐχθρὸς ἦν, ἐν τούτῳ τῷ
τρόπῳ ἦσθα ἄν με τετιμωρημένος, εἰ δὲ τῆς πόλεως
ἕνεκα ἔπραττες, οὕτως ἐξελέγξας οὐκ ἂν ἐδόκεις
21 εἶναι συκοφάντης, εἰ δὲ κερδαίνειν ἐβούλου, τότ' ἂν
πλεῖστον ἔλαβες· φανεροῦ γὰρ ὄντος τοῦ πράγμα-
τος οὐδεμίαν ἄλλην ἡγούμην ἂν εἶναί μοι σωτηρίαν
ἢ σὲ πεῖσαι. τούτων τοίνυν οὐδὲν ποιήσας διὰ τοὺς
σοὺς λόγους ἀξιοῖς με ἀπολέσθαι, καὶ κατηγορεῖς

ὡς ὑπὸ τῆς ἐμῆς δυνάμεως καὶ τῶν ἐμῶν χρημάτων
22 οὐδεὶς ἐθέλει σοι μαρτυρεῖν. καίτοι εἰ ὡς φῄς μ' ἰδὼν τὴν μορίαν ἀφανίζοντα τοὺς ἐννέα ἄρχοντας ἐπήγαγες ἢ ἄλλους τινὰς τῶν ἐξ Ἀρείου πάγου, οὐκ ἂν ἑτέρων ἔδει σοι μαρτύρων· οὗτοι γὰρ ἄν σοι συνῄδεσαν ἀληθῆ λέγοντι, οἵπερ καὶ διαγιγνώσκειν
23 ἔμελλον περὶ τοῦ πράγματος. δεινότατα οὖν πάσχω ὅτ' εἰ μὲν παρέσχετο μάρτυρας, τούτοις ἂν ἠξίου πιστεύειν, ἐπειδὴ δὲ οὐκ εἰσὶν αὐτῷ, ἐμοὶ καὶ ταύτην ζημίαν οἴεται χρῆναι γενέσθαι. καὶ τούτου μὲν οὐ θαυμάζω· οὐ γὰρ δήπου συκοφαντῶν ἅμα τοιούτων γε λόγων ἀπορήσει καὶ μαρτύρων· ὑμᾶς δ' οὐκ ἀξιῶ τὴν αὐτὴν τούτῳ γνώμην ἔχειν.
24 Ἐπίστασθε γὰρ ἐν τῷ πεδίῳ πολλὰς μορίας οὔσας καὶ πυρκαϊὰς ἐν τοῖς ἄλλοις τοῖς ἐμοῖς χωρίοις, ἃς, εἴπερ ἐπεθύμουν, πολὺ ἦν ἀσφαλέστερον καὶ ἀφανίσαι καὶ ἐκκόψαι καὶ ἐπεργάσασθαι, ὅσῳπερ ἧττον τὸ ἀδίκημα πολλῶν οὐσῶν ἔμελλε δῆλον ἔσεσθαι.
25 νῦν δ' οὕτως αὐτὰς περὶ πολλοῦ ποιοῦμαι ὥσπερ καὶ τὴν πατρίδα καὶ τὴν ἄλλην οὐσίαν, ἡγούμενος περὶ ἀμφοτέρων τούτων εἶναί μοι τὸν κίνδυνον. αὐτοὺς τοίνυν ὑμᾶς τούτων μάρτυρας παρέξομαι, ἐπιμελουμένους μὲν ἑκάστου μηνός, ἐπιγνώμονας δὲ πέμποντας καθ' ἕκαστον ἐνιαυτόν· ὧν οὐδεὶς πώποτ' ἐζημίωσέ μ' ὡς ἐργαζόμενον τὰ περὶ τὰς μορίας
26 χωρία. καίτοι οὐ δήπου τὰς μὲν μικρὰς ζημίας οὕτω περὶ πολλοῦ ποιοῦμαι, τοὺς δὲ περὶ τοῦ σώματος κινδύνους οὕτω περὶ οὐδενὸς ἡγοῦμαι· καὶ τὰς

μὲν πολλὰς ἐλάας, εἰς ἃς ἐξῆν μᾶλλον ἐξαμαρτάνειν, οὕτω θεραπεύων φαίνομαι, τὴν δὲ μίαν μορίαν, ἣν οὐχ οἷόν τ' ἦν λαθεῖν ἐξορύξαντα, ὡς ἀφανίζων
27 νυνὶ κρίνομαι. πότερον δέ μοι κρεῖττον ἦν, ὦ βουλή, δημοκρατίας οὔσης παρανομεῖν ἢ ἐπὶ τῶν τριάκοντα; καὶ οὐ λέγω ὡς τότε δυνάμενος ἢ ὡς νῦν διαβεβλημένος, ἀλλ' ὡς τῷ βουλομένῳ τότε μᾶλλον ἐξῆν ἀδικεῖν ἢ νυνί. ἐγὼ τοίνυν οὐδ' ἐν ἐκείνῳ τῷ χρόνῳ οὔτε τοιοῦτον οὔτε ἄλλο οὐδὲν
28 κακὸν ποιήσας φανήσομαι. πῶς δ' ἄν, εἰ μὴ πάντων ἀνθρώπων ἐμαυτῷ κακονούστατος ἦν, ὑμῶν οὕτως ἐπιμελουμένων ἐκ τούτου τὴν μορίαν ἀφανίζειν ἐπεχείρησα τοῦ χωρίου, ἐν ᾧ δένδρον μὲν οὐδὲ ἕν ἐστι, μιᾶς δὲ ἐλάας σηκός, ὡς οὗτός φησιν εἶναι, κυκλόθεν δὲ ὁδὸς περιέχει, ἀμφοτέρωθεν δὲ γείτονες περιοικοῦσιν, ἄερκτον δὲ καὶ πανταχόθεν κάτοπτόν ἐστιν; ὥστε τίς ἂν ἀπετόλμησε, τούτων οὕτως
29 ἐχόντων, ἐπιχειρῆσαι τοιούτῳ πράγματι; δεινὸν δέ μοι δοκεῖ εἶναι ὑμᾶς μέν, οἷς ὑπὸ τῆς πόλεως τὸν ἅπαντα χρόνον προστέτακται τῶν μορίων ἐλαῶν ἐπιμελεῖσθαι, μήθ' ὡς ἐπεργαζόμενον πώποτε ζημιῶσαί με μήθ' ὡς ἀφανίσαντα εἰς κίνδυνον καταστῆσαι, τοῦτον δ', ὃς οὔτε γεωργῶν ἐγγὺς τυγχάνει οὔτ' ἐπιμελητὴς ᾑρημένος οὔθ' ἡλικίαν ἔχων εἰδέναι περὶ τῶν τοιούτων, ἀπογράψαι με μορίαν ἀφανίζειν.
30 Ἐγὼ τοίνυν δέομαι ὑμῶν μὴ τοὺς τοιούτους λόγους πιστοτέρους ἡγήσασθαι τῶν ἔργων, μηδὲ περὶ ὧν αὐτοὶ σύνιστε, ταῦτ' ἀνασχέσθαι τῶν ἐμῶν ἐχθρῶν

λεγόντων, ἐνθυμουμένους καὶ ἐκ τῶν εἰρημένων καὶ
31 ἐκ τῆς ἄλλης πολιτείας. ἐγὼ γὰρ τὰ ἐμοὶ προστεταγμένα ἅπαντα προθυμότερον πεποίηκα ἢ ὡς ὑπὸ τῆς πόλεως ἠναγκαζόμην, καὶ τριηραρχῶν καὶ εἰσφορὰς εἰσφέρων καὶ χορηγῶν καὶ ἄλλα λῃτουργῶν
32 οὐδενὸς ἧττον πολυτελῶς τῶν πολιτῶν. καίτοι ταῦτα μὲν μετρίως ποιῶν ἀλλὰ μὴ προθύμως οὔτ' ἂν περὶ φυγῆς οὔτ' ἂν περὶ τῆς ἄλλης οὐσίας ἠγωνιζόμην, πλείω δ' ἂν ἐκεκτήμην, οὐδὲν ἀδικῶν οὐδ' ἐπικίνδυνον ἐμαυτῷ καταστήσας τὸν βίον· ταῦτα δέ πράξας,
ἃ οὗτός μου κατηγορεῖ, ἐκέρδαινον μὲν οὐδέν, ἐμαυ-
33 τὸν δ' εἰς κίνδυνον καθίστην. καίτοι πάντες ἂν ὁμολογήσαιτε δικαιότερον εἶναι τοῖς μεγάλοις χρῆσθαι τεκμηρίοις περὶ τῶν μεγάλων, καὶ πιστότερα ἡγεῖσθαι περὶ ὧν ἅπασα ἡ πόλις μαρτυρεῖ, μᾶλλον ἢ περὶ ὧν μόνος οὗτος κατηγορεῖ.

34 Ἔτι τοίνυν, ὦ βουλή, ἐκ τῶν ἄλλων σκέψασθε. μάρτυρας γὰρ ἔχων αὐτῷ προσῆλθον, λέγων ὅτι μοι πάντες εἰσὶν οἱ θεράποντες, οὓς ἐκεκτήμην ἐπειδὴ παρέλαβον τὸ χωρίον, καὶ ἕτοιμός εἰμι, εἴ τινα βούλοιτο, παραδοῦναι βασανίζειν, ἡγούμενος οὕτως ἂν τὸν ἔλεγχον ἰσχυρότατον γενέσθαι τῶν
35 τούτου λόγων καὶ τῶν ἔργων τῶν ἐμῶν. οὗτος δ' οὐκ ἤθελεν, οὐδὲν φάσκων πιστὸν εἶναι τοῖς θεράπουσιν. ἐμοὶ δὲ δοκεῖ δεινὸν εἶναι, εἰ περὶ αὐτῶν μὲν οἱ βασανιζόμενοι κατηγοροῦσιν, εὖ εἰδότες ὅτι ἀποθανοῦνται, περὶ δὲ τῶν δεσποτῶν, οἷς πεφύκασι κακονούστατοι, μᾶλλον ἂν ἔλοιντο ἀνέχεσθαι βα-

σανιζόμενοι ἢ κατειπόντες ἀπηλλάχθαι τῶν παρόν-
36 των κακῶν. καὶ μὲν δή, ὦ βουλή, φανερὸν οἶμαι
εἶναι ὅτι, εἰ Νικομάχου ἐξαιτοῦντος τοὺς ἀνθρώ-
πους μὴ παρεδίδουν, ἐδόκουν ἂν ἐμαυτῷ ξυνειδέναι·
ἐπειδὴ τοίνυν ἐμοῦ παραδιδόντος οὗτος παραλαβεῖν
οὐκ ἤθελε, δίκαιον καὶ περὶ τούτου τὴν αὐτὴν γνώ-
μην σχεῖν, ἄλλως τε καὶ τοῦ κινδύνου οὐκ ἴσου
37 ἀμφοτέροις ὄντος. περὶ ἐμοῦ μὲν γὰρ εἰ ἔλεγον ἃ
οὗτος ἐβούλετο, οὐδ' ἂν ἀπολογήσασθαί μοι ἐξε-
γένετο· τούτῳ δ' εἰ μὴ ὡμολόγουν, οὐδεμιᾷ ζημίᾳ
ἔνοχος ἦν. ὥστε πολὺ μᾶλλον τοῦτον παραλαμ-
βάνειν ἐχρῆν ἢ ἐμὲ παραδοῦναι προσῆκεν. ἐγὼ
τοίνυν εἰς τοῦτο προθυμίας ἀφικόμην, ἡγούμενος
μετ' ἐμοῦ εἶναι καὶ ἐκ βασάνων καὶ ἐκ μαρτύρων
καὶ ἐκ τεκμηρίων ὑμᾶς περὶ τοῦ πράγματος τά-
38 ληθῆ πυθέσθαι. ἐνθυμεῖσθαι δὲ χρή, ὦ βουλή,
ποτέροις χρὴ πιστεύειν μᾶλλον, οἷς πολλοὶ μεμαρ-
τυρήκασιν ἢ ᾧ μηδεὶς τετόλμηκε, καὶ πότερον
εἰκὸς μᾶλλον τοῦτον ἀκινδύνως ψεύδεσθαι ἢ μετὰ
τοσούτου κινδύνου τοιοῦτον ἐμὲ ἔργον ἐργάσασθαι,
καὶ πότερον οἴεσθε αὐτὸν ὑπὲρ τῆς πόλεως βοηθεῖν
39 ἢ συκοφαντοῦντα αἰτιάσασθαι· ἐγὼ μὲν γὰρ εἰδέ-
ναι ὑμᾶς ἡγοῦμαι ὅτι Νικόμαχος ὑπὸ τῶν ἐχθρῶν
πεισθεὶς τῶν ἐμῶν τοῦτον τὸν ἀγῶνα ἀγωνίζεται,
οὐχ ὡς ἀδικοῦντα ἐλπίζων ἀποδείξειν, ἀλλ' ὡς
ἀργύριον παρ' ἐμοῦ λήψεσθαι προσδοκῶν. ὅσῳ
γὰρ οἱ τοιοῦτοί εἰσιν ἐπαιτιώτατοι καὶ ἀπορώτατοι
τῶν κινδύνων, τοσούτῳ πάντες αὐτοὺς φεύγουσι

40 μάλιστα. ἐγὼ δέ, ὦ βουλή, οὐκ ἠξίουν, ἀλλ' ἐπειδήπερ με ἠτιάσατο, παρέσχον ἐμαυτὸν ὅ τι βούλεσθε χρῆσθαι, καὶ τούτου ἕνεκα τοῦ κινδύνου οὐδενὶ ἐγὼ τῶν ἐχθρῶν διηλλάγην, οἳ ἐμὲ ἥδιον κακῶς λέγουσιν ἢ σφᾶς αὐτοὺς ἐπαινοῦσι, καὶ φανερῶς μὲν οὐδεὶς πώποτε ἐμὲ αὐτῶν ἐπεχείρησε ποιῆσαι κακὸν οὐδέν, τοιούτους δὲ ἐπιπέμπουσί
41 μοι, οἷς ὑμεῖς οὐκ ἂν δικαίως πιστεύοιτε. πάντων γὰρ ἀθλιώτατος ἂν γενοίμην, εἰ φυγὰς ἀδίκως καταστήσομαι, ἄπαις μὲν ὢν καὶ μόνος, ἐρήμου δὲ τοῦ οἴκου γενομένου, μητρὸς δὲ πάντων ἐνδεοῦς, πατρίδος δὲ τοιαύτης ἐπ' αἰσχίσταις στερηθεὶς αἰτίαις, πολλὰς μὲν ναυμαχίας ὑπὲρ αὐτῆς νεναυμαχηκώς, πολλὰς δὲ μάχας μεμαχημένος, κόσμιον δ' ἐμαυτὸν καὶ ἐν δημοκρατίᾳ καὶ ἐν ὀλιγαρχίᾳ παρασχών.

42 Ἀλλὰ γὰρ, ὦ βουλή, ταῦτα μὲν ἐνθάδε οὐκ οἶδ' ὅ τι δεῖ λέγειν· ἀπέδειξα δ' ὑμῖν ὡς οὐκ ἐνῆν σηκὸς ἐν τῷ χωρίῳ, καὶ μάρτυρας παρεσχόμην καὶ τεκμήρια. ἃ χρὴ μεμνημένους διαγιγνώσκειν περὶ τοῦ πράγματος, καὶ ἀξιοῦν παρὰ τούτου πυθέσθαι ὅτου ἕνεκα, ἐξὸν ἐπ' αὐτοφώρῳ ἐλέγξαι, τοσούτῳ χρόνῳ ὕστερον εἰς τοσοῦτόν με κατέστη-
43 σεν ἀγῶνα, καὶ μάρτυρα οὐδένα παρασχόμενος ἐκ τῶν λόγων ζητεῖ πιστὸς γενέσθαι, ἐξὸν αὐτοῖς τοῖς ἔργοις ἀδικοῦντα ἀποδεῖξαι, καὶ ἐμοῦ ἅπαντας παραδιδόντος τοὺς θεράποντας, οὓς φησι παραγενέσθαι, παραλαβεῖν οὐκ ἤθελεν.

# XII

## ΚΑΤ' ΕΡΑΤΟΣΘΕΝΟΥΣ

### ΤΟΥ ΓΕΝΟΜΕΝΟΥ ΤΩΝ ΤΡΙΑΚΟΝΤΑ, ΟΝ ΑΥΤΟΣ ΕΙΠΕ ΛΥΣΙΑΣ

The occasion of the present oration was the trial of Eratosthenes on a charge of murder. He, it was alleged, had been largely instrumental, as a member of the Thirty, in bringing about the death of Polemarchus, the brother of Lysias, by taking an active part in his arrest. Lysias, as nearest of kin in the male line, was morally bound, in accordance with Greek ideas and customs, to seek satisfaction for the heinous crime committed against him. Eratosthenes, also mentioned by Xenophon (Hellen. II, 3. 2), had been engaged, some eight years before, in helping on the plans of the oligarchic party which had led to the establishment of the Four Hundred in power for a short time. He had been sent to the Greek camp on the coast of Asia Minor to disseminate the doctrines of the oligarchs. Their cause, however, did not meet with much support from the Greek army, and so Eratosthenes, abandoning the ship of which he was trierarch, returned to Athens (§ 42). From that time, about 411 B.C., till near the close of the Peloponnesian war, 404 B.C., he seems to have been guilty of no important offense, else Lysias would surely have mentioned it. That period in his life

is passed over in silence (§ 43) by the orator. However, after the battle of Aegos Potami, 405 B.C., Eratosthenes was made one of the ephors, or central committee of five, appointed by the oligarchical political clubs, to assist in promoting the cause of the aristocracy and Sparta (§ 46). A little later, he became a member of the Thirty Tyrants 404 B.C., who instituted a veritable reign of terror in Athens, in the course of which hundreds of innocent lives were mercilessly sacrificed, and much property of great value confiscated. These monsters at first put out of the way many notorious characters that had won a bad name as informers under the democracy. Shortly after this, they found themselves in great need of money with which to carry on their new government in Athens. There were in the city many rich metics, or resident foreigners, for the most part, out of sympathy with the new state of affairs. Consequently, many of their number were marked for death on the pretext of their opposition to the new order of things (§ 6), but really in order that their property might be confiscated, and used for the support of the government. To this class of metics, made up in the main of orderly and successful business men, belonged Lysias and Polemarchus. Their history has already been recounted in the Life of Lysias.

After the overthrow of the Thirty Tyrants in 403 B.C., and the reëstablishment of the democracy, a general amnesty was proclaimed to all the adherents of the oligarchy, excepting, however, the Thirty, the Board of Ten, and the Eleven who had served them, unless they presented themselves for the scrutiny, or examination of their conduct, while in office, — a requirement made

of all retiring officers. It is supposed that Eratosthenes, who with Pheidon remained at Athens when the other members of the Thirty fled to Eleusis for refuge, presented himself to pass his scrutiny, and that Lysias appeared on that occasion to offer objection to his approval.

The case was very likely turned over to a court of jurymen for decision, and our orator probably spoke the present oration before them.

On such occasions, a specific charge had to be made by the plaintiff. This requirement is met by Lysias in the first part of the speech, which deals especially with Eratosthenes as the murderer of his brother. The second, and by far the larger part, of the oration consists of a general attack on the entire body of the Thirty Tyrants, in which their terrible work is passed in review. Lysias, no doubt, thought that by adding this general arraignment, he would strengthen the case against Eratosthenes, who was one of their infamous body. He particularly aims to blacken the character of Theramenes, the leader of the moderate party of the Thirty, as the defendant had endeavored to shield himself by claiming to have been his follower, and not a supporter of the Radicals whom Critias headed. Lysias holds that while Theramenes was not as wicked as Critias, yet he had been the cause of great misery and misfortune to the Athenians, a wretched turncoat, and an altogether unprincipled man, and that in his death he had merely got what he deserved. History, however, tells us that Theramenes opposed the killing of the metics, and as a result lost his life at the hands of Critias and the Radicals. Eratosthenes, by claiming

to have been his follower, thought that he could not justly be accused of wishing to kill the metics, the class to which Polemarchus and Lysias belonged. He was intimidated, he said, after the death of Theramenes, by the Radicals, and, to save his own life, had acted as he did.

The result of the trial is not known. In all probability, Eratosthenes was not punished with death. Indeed, considering the fact that the people were utterly tired of the destruction of life that they had witnessed in recent months, it is not unreasonable to suppose that he may have been acquitted altogether. Probably, also, some, of oligarchic views, who had been in sympathy with the Thirty, were among the jurors in this case. If so, no doubt they were disposed to deal leniently with the defendant, especially as he had been one of the Moderates.

This oration is the best and one of the longest that Lysias wrote. From it we get much of our information concerning the orator, and also about the infamous proceedings of the Thirty Tyrants. It was probably spoken in the latter part of 403 B.C., not long after the democracy, with its deliberative and judicial bodies, was restored. See Jebb, p. 271, and Blass, p. 539.

Οὐκ ἄρξασθαί μοι δοκεῖ ἄπορον εἶναι, ὦ ἄνδρες δικασταί, τῆς κατηγορίας, ἀλλὰ παύσασθαι λέγοντι· τοιαῦτα αὐτοῖς τὸ μέγεθος καὶ τοσαῦτα τὸ πλῆθος εἴργασται, ὥστε μήτ' ἂν ψευδόμενον δεινότερα τῶν ὑπαρχόντων κατηγορῆσαι, μήτε τἀληθῆ βουλόμενον εἰπεῖν ἅπαντα δύνασθαι, ἀλλ' ἀνάγκη

ἢ τὸν κατήγορον ἀπειπεῖν ἢ τὸν χρόνον ἐπιλιπεῖν.
2 τοὐναντίον δέ μοι δοκοῦμεν πείσεσθαι ἢ ἐν τῷ πρὸ τοῦ χρόνῳ. πρότερον μὲν γὰρ ἔδει τὴν ἔχθραν τοὺς κατηγοροῦντας ἐπιδεῖξαι, ἥτις εἴη πρὸς τοὺς φεύγοντας· νυνὶ δὲ παρὰ τῶν φευγόντων χρὴ πυνθάνεσθαι ἥτις ἦν αὐτοῖς πρὸς τὴν πόλιν ἔχθρα, ἀνθ' ὅτου τοιαῦτα ἐτόλμησαν εἰς αὐτὴν ἐξαμαρτάνειν. οὐ μέντοι ὡς οὐκ ἔχων οἰκείας ἔχθρας καὶ συμφορὰς τοὺς λόγους ποιοῦμαι, ἀλλ' ὡς ἅπασι πολλῆς ἀφθονίας οὔσης ὑπὲρ τῶν ἰδίων ἢ ὑπὲρ
3 τῶν δημοσίων ὀργίζεσθαι. ἐγὼ μὲν οὖν, ὦ ἄνδρες δικασταί, οὔτ' ἐμαυτοῦ πώποτε οὔτε ἀλλοτρια πράγματα πράξας νῦν ἠνάγκασμαι ὑπὸ τῶν γεγενημένων τούτου κατηγορεῖν, ὥστε πολλάκις εἰς πολλὴν ἀθυμίαν κατέστην, μὴ διὰ τὴν ἀπειρίαν ἀναξίως καὶ ἀδυνάτως ὑπὲρ τοῦ ἀδελφοῦ καὶ ἐμαυτοῦ τὴν κατηγορίαν ποιήσομαι· ὅμως δὲ πειράσομαι ὑμᾶς ἐξ ἀρχῆς ὡς ἂν δύνωμαι δι' ἐλαχίστων διδάξαι.

4 Οὑμὸς πατὴρ Κέφαλος ἐπείσθη μὲν ὑπὸ Περικλέους εἰς ταύτην τὴν γῆν ἀφικέσθαι, ἔτη δὲ τριάκοντα ᾤκησε, καὶ οὐδενὶ πώποτε οὔτε ἡμεῖς οὔτε ἐκεῖνος δίκην οὔτε ἐδικασάμεθα οὔτε ἐφύγομεν, ἀλλ' οὕτως ᾠκοῦμεν δημοκρατούμενοι ὥστε μήτε εἰς τοὺς ἄλλους ἐξαμαρτάνειν μήτε ὑπὸ τῶν ἄλλων
5 ἀδικεῖσθαι. ἐπειδὴ δ' οἱ τριάκοντα πονηροὶ καὶ συκοφάνται ὄντες εἰς τὴν ἀρχὴν κατέστησαν, φάσκοντες χρῆναι τῶν ἀδίκων καθαρὰν ποιῆσαι τὴν

ταῦτα ποιήσειν. ἐδόκει δ' αὐτῷ βέλτιον εἶναι πρὸς Θέογνιν μνησθῆναι· ἠγεῖτο γὰρ ἅπαν ποιήσειν αὐτόν, εἴ τις ἀργύριον διδοίη. ἐκείνου δὲ διαλεγομένου Θεόγνιδι (ἔμπειρος γὰρ ὢν ἐτύγχανον τῆς οἰκίας, καὶ ᾔδειν ὅτι ἀμφίθυρος εἴη) ἐδόκει μοι ταύτῃ πειρᾶσθαι σωθῆναι, ἐνθυμουμένῳ ὅτι, ἐὰν μὲν λάθω, σωθήσομαι, ἐὰν δὲ ληφθῶ, ἡγούμην μέν, εἰ Θέογνις εἴη πεπεισμένος ὑπὸ τοῦ Δαμνίππου χρήματα λαβεῖν, οὐδὲν ἧττον ἀφεθήσεσθαι, εἰ δὲ μή, ὁμοίως ἀποθανεῖσθαι. ταῦτα διανοηθεὶς ἔφευγον, ἐκείνων ἐπὶ τῇ αὐλείῳ θύρᾳ τὴν φυλακὴν ποιουμένων· τριῶν δὲ θυρῶν οὐσῶν, ἃς ἔδει με διελθεῖν, ἅπασαι ἀνεῳγμέναι ἔτυχον. ἀφικόμενος δὲ εἰς Ἀρχένεω τοῦ ναυκλήρου ἐκεῖνον πέμπω εἰς ἄστυ, πευσόμενον περὶ τοῦ ἀδελφοῦ· ἥκων δὲ ἔλεγεν ὅτι Ἐρατοσθένης αὐτὸν ἐν τῇ ὁδῷ λαβὼν εἰς τὸ δεσμωτήριον ἀπαγάγοι. καὶ ἐγὼ μὲν τοιαῦτα πεπυσμένος τῆς ἐπιούσης νυκτὸς διέπλευσα Μέγαράδε. Πολεμάρχῳ δὲ παρήγγειλαν οἱ τριάκοντα τὸ ἐπ' ἐκείνων εἰθισμένον παράγγελμα, πίνειν κώνειον, πρὶν τὴν αἰτίαν εἰπεῖν δι' ἣντινα ἔμελλεν ἀποθανεῖσθαι· οὕτω πολλοῦ ἐδέησε κριθῆναι καὶ ἀπολογήσασθαι. καὶ ἐπειδὴ ἀπεφέρετο ἐκ τοῦ δεσμωτηρίου τεθνεώς, τριῶν ἡμῖν οἰκιῶν οὐσῶν ἐξ οὐδεμιᾶς εἴασαν ἐξενεχθῆναι, ἀλλὰ κλεισίον μισθωσάμενοι προὔθεντο αὐτόν. καὶ πολλῶν ὄντων ἱματίων αἰτοῦσιν οὐδὲν ἔδοσαν εἰς τὴν ταφήν, ἀλλὰ τῶν φίλων ὃ μὲν ἱμάτιον ὃ δὲ

προσκεφάλαιον ὃ δὲ ὅ τι ἕκαστος ἔτυχεν ἔδωκεν
19 εἰς τὴν ἐκείνου ταφήν. καὶ ἔχοντες μὲν ἑπτακοσίας ἀσπίδας τῶν ἡμετέρων, ἔχοντες δὲ ἀργύριον καὶ χρυσίον τοσοῦτον, χαλκὸν δὲ καὶ κόσμον καὶ ἔπιπλα καὶ ἱμάτια γυναικεῖα ὅσα οὐδεπώποτε ᾠοντο κτήσεσθαι, καὶ ἀνδράποδα εἴκοσι καὶ ἑκατόν, ὧν τὰ μὲν βέλτιστα ἔλαβον, τὰ δὲ λοιπὰ εἰς τὸ δημόσιον ἀπέδοσαν, εἰς τοσαύτην ἀπληστίαν καὶ αἰσχροκέρδειαν ἀφίκοντο καὶ τοῦ τρόπου τοῦ αὐτῶν ἀπόδειξιν ἐποιήσαντο· τῆς γὰρ Πολεμάρχου γυναικὸς χρυσοῦς ἑλικτῆρας, οὓς ἔχουσα ἐτύγχανεν, ὅτε τὸ πρῶτον ἦλθεν εἰς τὴν οἰκίαν Μηλόβιος, ἐκ
20 τῶν ὤτων ἐξείλετο. καὶ οὐδὲ κατὰ τὸ ἐλάχιστον μέρος τῆς οὐσίας ἐλέου παρ' αὐτῶν ἐτυγχάνομεν. ἀλλ' οὕτως εἰς ἡμᾶς διὰ τὰ χρήματα ἐξημάρτανον, ὥσπερ οὐδ' ἂν ἕτεροι μεγάλων ἀδικημάτων ὀργὴν ἔχοντες, οὐ τούτων ἀξίους ὄντας τῇ πόλει, ἀλλὰ πάσας μὲν τὰς χορηγίας χορηγήσαντας, πολλὰς δ' εἰσφορὰς εἰσενεγκόντας, κοσμίους δ' ἡμᾶς αὐτοὺς παρέχοντας καὶ πᾶν τὸ προσταττόμενον ποιοῦντας, ἐχθρὸν δ' οὐδένα κεκτημένους πολλοὺς δ' Ἀθηναίων ἐκ τῶν πολεμίων λυσαμένους τοιούτων ἠξίωσαν, οὐχ ὁμοίως μετοικοῦντας ὥσπερ αὐτοὶ ἐπολιτεύοντο.
21 οὗτοι γὰρ πολλοὺς μέν τῶν πολιτῶν εἰς τοὺς πολεμίους ἐξήλασαν, πολλοὺς δ' ἀδίκως ἀποκτείναντες ἀτάφους ἐποίησαν, πολλοὺς δ' ἐπιτίμους ὄντας ἀτίμους κατέστησαν, πολλῶν δὲ θυγατέρας μελ-
22 λούσας ἐκδίδοσθαι ἐκώλυσαν. καὶ εἰς τοσοῦτόν

εἰσι τόλμης ἀφιγμένοι ὥσθ' ἥκουσιν ἀπολογησόμενοι, καὶ λέγουσιν ὡς οὐδὲν κακὸν οὐδ' αἰσχρὸν εἰργασμένοι εἰσίν. ἐγὼ δ' ἐβουλόμην ἂν αὐτοὺς ἀληθῆ λέγειν· μετῆν γὰρ ἂν καὶ ἐμοὶ τούτου
23 τἀγαθοῦ οὐκ ἐλάχιστον μέρος. νῦν δὲ οὔτε πρὸς τὴν πόλιν αὐτοῖς τοιαῦτα ὑπάρχει οὔτε πρὸς ἐμέ· τὸν ἀδελφὸν γάρ μου, ὥσπερ καὶ πρότερον εἶπον, Ἐρατοσθένης ἀπέκτεινεν, οὔτε αὐτὸς ἰδίᾳ ἀδικούμενος οὔτε εἰς τὴν πόλιν ὁρῶν ἐξαμαρτάνοντα, ἀλλὰ τῇ ἑαυτοῦ παρανομίᾳ προθύμως ἐξυπηρετῶν.
24 ἀναβιβασάμενος δ' αὐτὸν βούλομαι ἐρέσθαι, ὦ ἄνδρες δικασταί. τοιαύτην γὰρ γνώμην ἔχω· ἐπὶ μὲν τῇ τούτου ὠφελείᾳ καὶ πρὸς ἕτερον περὶ τούτου διαλέγεσθαι ἀσεβὲς εἶναι νομίζω, ἐπὶ δὲ τῇ τούτου βλάβῃ καὶ πρὸς αὐτὸν τοῦτον ὅσιον καὶ εὐσεβές. ἀνάβηθι οὖν μοι καὶ ἀπόκριναι, ὅ τι ἄν σε ἐρωτῶ.
25 Ἀπήγαγες Πολέμαρχον ἢ οὔ; Τὰ ὑπὸ τῶν ἀρχόντων προσταχθέντα δεδιὼς ἐποίουν. Ἦσθα δ' ἐν τῷ βουλευτηρίῳ, ὅτε οἱ λόγοι ἐγίγνοντο περὶ ἡμῶν; Ἦν. Πότερον συνηγόρευες τοῖς κελεύουσιν ἀποκτεῖναι ἢ ἀντέλεγες; Ἀντέλεγον ἵνα μὴ ἀποθάνητε. Ἡγούμενος ἡμᾶς ἄδικα πάσχειν ἢ δίκαια; Ἄδικα.
26 Εἶτ', ὦ σχετλιώτατε πάντων, ἀντέλεγες μὲν ἵνα σώσειας, συνελάμβανες δὲ ἵνα ἀποκτείνειας; καὶ ὅτε μὲν τὸ πλῆθος ἦν ὑμῶν κύριον τῆς σωτηρίας τῆς ἡμετέρας, ἀντιλέγειν φῂς τοῖς βουλομένοις ἡμᾶς ἀπολέσαι, ἐπειδὴ δὲ ἐπὶ σοὶ μόνῳ ἐγένετο

προσκεφάλαιον ὃ δὲ ὅ τι ἕκαστος ἔτυχεν ἔδωκεν
19 εἰς τὴν ἐκείνου ταφήν. καὶ ἔχοντες μὲν ἑπτακοσίας ἀσπίδας τῶν ἡμετέρων, ἔχοντες δὲ ἀργύριον καὶ χρυσίον τοσοῦτον, χαλκὸν δὲ καὶ κόσμον καὶ ἔπιπλα καὶ ἱμάτια γυναικεῖα ὅσα οὐδεπώποτε ᾠοντο κτήσεσθαι, καὶ ἀνδράποδα εἴκοσι καὶ ἑκατόν, ὧν τὰ μὲν βέλτιστα ἔλαβον, τὰ δὲ λοιπὰ εἰς τὸ δημόσιον ἀπέδοσαν, εἰς τοσαύτην ἀπληστίαν καὶ αἰσχροκέρδειαν ἀφίκοντο καὶ τοῦ τρόπου τοῦ αὐτῶν ἀπόδειξιν ἐποιήσαντο· τῆς γὰρ Πολεμάρχου γυναικὸς χρυσοῦς ἑλικτῆρας, οὓς ἔχουσα ἐτύγχανεν, ὅτε τὸ πρῶτον ἦλθεν εἰς τὴν οἰκίαν Μηλόβιος, ἐκ
20 τῶν ὤτων ἐξείλετο. καὶ οὐδὲ κατὰ τὸ ἐλάχιστον μέρος τῆς οὐσίας ἐλέου παρ' αὐτῶν ἐτυγχάνομεν. ἀλλ' οὕτως εἰς ἡμᾶς διὰ τὰ χρήματα ἐξημάρτανον, ὥσπερ οὐδ' ἂν ἕτεροι μεγάλων ἀδικημάτων ὀργὴν ἔχοντες, οὐ τούτων ἀξίους ὄντας τῇ πόλει, ἀλλὰ πάσας μὲν τὰς χορηγίας χορηγήσαντας, πολλὰς δ' εἰσφορὰς εἰσενεγκόντας, κοσμίους δ' ἡμᾶς αὐτοὺς παρέχοντας καὶ πᾶν τὸ προσταττόμενον ποιοῦντας, ἐχθρὸν δ' οὐδένα κεκτημένους πολλοὺς δ' Ἀθηναίων ἐκ τῶν πολεμίων λυσαμένους τοιούτων ἠξίωσαν, οὐχ ὁμοίως μετοικοῦντας ὥσπερ αὐτοὶ ἐπολιτεύοντο.
21 οὗτοι γὰρ πολλοὺς μέν τῶν πολιτῶν εἰς τοὺς πολεμίους ἐξήλασαν, πολλοὺς δ' ἀδίκως ἀποκτείναντες ἀτάφους ἐποίησαν, πολλοὺς δ' ἐπιτίμους ὄντας ἀτίμους κατέστησαν, πολλῶν δὲ θυγατέρας μελ-
22 λούσας ἐκδίδοσθαι ἐκώλυσαν. καὶ εἰς τοσοῦτόν

εἰσι τόλμης ἀφιγμένοι ὥσθ' ἥκουσιν ἀπολογησόμενοι, καὶ λέγουσιν ὡς οὐδὲν κακὸν οὐδ' αἰσχρὸν εἰργασμένοι εἰσίν. ἐγὼ δ' ἐβουλόμην ἂν αὐτοὺς ἀληθῆ λέγειν· μετῆν γὰρ ἂν καὶ ἐμοὶ τούτου
23 τἀγαθοῦ οὐκ ἐλάχιστον μέρος. νῦν δὲ οὔτε πρὸς τὴν πόλιν αὐτοῖς τοιαῦτα ὑπάρχει οὔτε πρὸς ἐμέ· τὸν ἀδελφὸν γάρ μου, ὥσπερ καὶ πρότερον εἶπον, Ἐρατοσθένης ἀπέκτεινεν, οὔτε αὐτὸς ἰδίᾳ ἀδικούμενος οὔτε εἰς τὴν πόλιν ὁρῶν ἐξαμαρτάνοντα, ἀλλὰ τῇ ἑαυτοῦ παρανομίᾳ προθύμως ἐξυπηρετῶν.
24 ἀναβιβασάμενος δ' αὐτὸν βούλομαι ἐρέσθαι, ὦ ἄνδρες δικασταί. τοιαύτην γὰρ γνώμην ἔχω· ἐπὶ μὲν τῇ τούτου ὠφελείᾳ καὶ πρὸς ἕτερον περὶ τούτου διαλέγεσθαι ἀσεβὲς εἶναι νομίζω, ἐπὶ δὲ τῇ τούτου βλάβῃ καὶ πρὸς αὐτὸν τοῦτον ὅσιον καὶ εὐσεβές. ἀνάβηθι οὖν μοι καὶ ἀπόκριναι, ὅ τι ἄν σε ἐρωτῶ.
25 Ἀπήγαγες Πολέμαρχον ἢ οὔ; Τὰ ὑπὸ τῶν ἀρχόντων προσταχθέντα δεδιὼς ἐποίουν. Ἦσθα δ' ἐν τῷ βουλευτηρίῳ, ὅτε οἱ λόγοι ἐγίγνοντο περὶ ἡμῶν; Ἦν. Πότερον συνηγόρευες τοῖς κελεύουσιν ἀποκτεῖναι ἢ ἀντέλεγες; Ἀντέλεγον ἵνα μὴ ἀποθάνητε. Ἡγούμενος ἡμᾶς ἄδικα πάσχειν ἢ δίκαια; Ἄδικα.
26 Εἶτ', ὦ σχετλιώτατε πάντων, ἀντέλεγες μὲν ἵνα σώσειας, συνελάμβανες δὲ ἵνα ἀποκτείνειας; καὶ ὅτε μὲν τὸ πλῆθος ἦν ὑμῶν κύριον τῆς σωτηρίας τῆς ἡμετέρας, ἀντιλέγειν φῂς τοῖς βουλομένοις ἡμᾶς ἀπολέσαι, ἐπειδὴ δὲ ἐπὶ σοὶ μόνῳ ἐγένετο

καὶ σῶσαι Πολέμαρχον καὶ μή, εἰς τὸ δεσμωτήριον ἀπήγαγες; εἶθ' ὅτι μέν, ὡς φῄς, ἀντειπὼν οὐδὲν ὠφέλησας, ἀξιοῖς χρηστὸς νομίζεσθαι, ὅτι δὲ συλλαβὼν ἀπέκτεινας, οὐκ οἴει χρῆναι ἐμοὶ καὶ τουτοισὶ δοῦναι δίκην;

27 Καὶ μὴν οὐδὲ τοῦτο εἰκὸς αὐτῷ πιστεύειν, εἴπερ ἀληθῆ λέγει φάσκων ἀντειπεῖν, ὡς αὐτῷ προσετάχθη. οὐ γὰρ δήπου ἐν τοῖς μετοίκοις πίστιν παρ' αὐτοῦ ἐλάμβανον. ἔπειτα τῷ ἧττον εἰκὸς ἦν προσταχθῆναι ἢ ὅστις ἀντειπών γε ἐτύγχανε καὶ γνώμην ἀποδεδειγμένος; τίνα γὰρ εἰκὸς ἦν ἧττον ταῦτα ὑπηρετῆσαι ἢ τὸν ἀντειπόντα οἷς ἐκεῖνοι
28 ἐβούλοντο πραχθῆναι; Ἔτι δὲ τοῖς μὲν ἄλλοις Ἀθηναίοις ἱκανή μοι δοκεῖ πρόφασις εἶναι τῶν γεγενημένων εἰς τοὺς τριάκοντα ἀναφέρειν τὴν αἰτίαν· αὐτοὺς δὲ τοὺς τριάκοντα, ἐὰν εἰς σφᾶς αὐτοὺς ἀναφέρωσι, πῶς ὑμᾶς εἰκὸς ἀποδέχεσθαι;
29 εἰ μὲν γάρ τις ἦν ἐν τῇ πόλει ἀρχὴ ἰσχυροτέρα αὐτῆς, ὑφ' ἧς αὐτῷ προσετάττετο παρὰ τὸ δίκαιον ἀνθρώπους ἀπολλύναι, ἴσως ἂν εἰκότως αὐτῷ συγγνώμην εἴχετε· νῦν δὲ παρὰ τοῦ ποτε καὶ λήψεσθε δίκην, εἴπερ ἐξέσται τοῖς τριάκοντα λέγειν ὅτι τὰ
30 ὑπὸ τῶν τριάκοντα προσταχθέντα ἐποίουν; Καὶ μὲν δὴ οὐκ ἐν τῇ οἰκίᾳ ἀλλ' ἐν τῇ ὁδῷ σῴζειν τε αὐτὸν καὶ τὰ τούτοις ἐψηφισμένα παρόν, συλλαβὼν ἀπήγαγεν. ὑμεῖς δὲ πᾶσιν ὀργίζεσθε, ὅσοι εἰς τὰς οἰκίας ἦλθον τὰς ὑμετέρας ζήτησιν ποιού-
31 μενοι ἢ ὑμῶν ἢ τῶν ὑμετέρων τινός. καίτοι εἰ χρὴ

τοῖς διὰ τὴν ἑαυτῶν σωτηρίαν ἑτέρους ἀπολέσασι συγγνώμην ἔχειν, ἐκείνοις ἂν δικαιότερον ἔχοιτε· κίνδυνος γὰρ ἦν πεμφθεῖσι μὴ ἐλθεῖν καὶ καταλαβοῦσιν ἐξάρνοις γενέσθαι. τῷ δὲ Ἐρατοσθένει ἐξῆν εἰπεῖν ὅτι οὐκ ἀπήντησεν, ἔπειτα ὅτι οὐκ εἶδεν· ταῦτα γὰρ οὔτ' ἔλεγχον οὔτε βάσανον εἶχεν, ὥστε μηδ' ὑπὸ τῶν ἐχθρῶν βουλομένων οἷόν τ'
32 εἶναι ἐξελεγχθῆναι. χρῆν δέ σε, ὦ Ἐρατόσθενες, εἴπερ ἦσθα χρηστός, πολὺ μᾶλλον τοῖς μέλλουσιν ἀδίκως ἀποθανεῖσθαι μηνυτὴν γενέσθαι ἢ τοὺς
33 ἀδίκως ἀπολουμένους συλλαμβάνειν. νῦν δέ σου τὰ ἔργα φανερὰ γεγένηται οὐχ ὡς ἀνιωμένου ἀλλ' ὡς ἡδομένου τοῖς γιγνομένοις, ὥστε τούσδε ἐκ τῶν ἔργων χρὴ μᾶλλον ἢ ἐκ τῶν λόγων τὴν ψῆφον φέρειν, ἃ ἴσασι γεγενημένα τῶν τότε λεγομένων τεκμήρια λαμβάνοντας, ἐπειδὴ μάρτυρας περὶ αὐτῶν οὐχ οἷόν τε παρασχέσθαι. οὐ γὰρ μόνον ἡμῖν παρεῖναι οὐκ ἐξῆν, ἀλλ' οὐδὲ παρ' αὐτοῖς εἶναι, ὥστ' ἐπὶ τούτοις ἐστὶ πάντα τὰ κακὰ εἰργασμένοις
34 τὴν πόλιν πάντα τἀγαθὰ περὶ αὐτῶν λέγειν. τοῦτο μέντοι οὐ φεύγω, ἀλλ' ὁμολογῶ σοι, εἰ βούλει, ἀντειπεῖν. θαυμάζω δὲ τί ἄν ποτε ἐποίησας συνειπών, ὁπότε ἀντειπεῖν φάσκων ἀπέκτεινας Πολέμαρχον. φέρε δή, τί ἂν εἰ καὶ ἀδελφοὶ ὄντες ἐτυγχάνετε αὐτοῦ ἢ καὶ υἱεῖς; ἀπεψηφίζεσθε; δεῖ γάρ, ὦ ἄνδρες δικασταί, Ἐρατοσθένη δυοῖν θάτερον ἀποδεῖξαι, ἢ ὡς οὐκ ἀπήγαγεν αὐτόν, ἢ ὡς δικαίως τοῦτ' ἔπραξεν. οὗτος δὲ ὡμολόγηκεν

ἀδίκως συλλαβεῖν, ὥστε ῥᾳδίαν ὑμῖν τὴν διαψή-
35 φισιν περὶ αὐτοῦ πεποίηκε. Καὶ μὲν δὴ πολλοὶ
καὶ τῶν ἀστῶν καὶ τῶν ξένων ἥκουσιν εἰσόμενοι
τίνα γνώμην περὶ τούτων ἔξετε. ὧν οἱ μὲν ὑμέτε-
ροι ὄντες πολῖται μαθόντες ἀπίασιν ὅτι ἢ δίκην
δώσουσιν ὧν ἂν ἐξαμάρτωσιν, ἢ πράξαντες μὲν ὧν
ἐφίενται τύραννοι τῆς πόλεως ἔσονται, δυστυχή-
σαντες δὲ τὸ ἴσον ὑμῖν ἕξουσιν· ὅσοι δὲ ξένοι
ἐπιδημοῦσιν, εἴσονται πότερον ἀδίκως τοὺς τριά-
κοντα ἐκκηρύττουσιν ἐκ τῶν πόλεων ἢ δικαίως.
εἰ γὰρ δὴ αὐτοὶ οἱ κακῶς πεπονθότες λαβόντες
ἀφήσουσιν, ἤ που σφᾶς γ' αὐτοὺς ἡγήσονται πε-
36 ριέργους ὑπὲρ ὑμῶν τιμωρουμένους. οὐκ οὖν δεινὸν
εἰ τοὺς μὲν στρατηγούς, οἳ ἐνίκων ναυμαχοῦντες,
ὅτε διὰ χειμῶνα οὐχ οἷοί τ' ἔφασαν εἶναι τοὺς ἐκ
τῆς θαλάττης ἀνελέσθαι, θανάτῳ ἐζημιώσατε, ἡγού-
μενοι χρῆναι τῇ τῶν τεθνεώτων ἀρετῇ παρ' ἐκείνων
δίκην λαβεῖν, τούτους δέ, οἳ ἰδιῶται μὲν ὄντες καθ'
ὅσον ἐδύναντο ἐποίησαν ἡττηθῆναι ναυμαχοῦντες,
ἐπειδὴ δὲ εἰς τὴν ἀρχὴν κατέστησαν, ὁμολογοῦσιν
ἑκόντες πολλοὺς τῶν πολιτῶν ἀκρίτους ἀποκτιν-
νύναι, οὐκ ἄρα χρὴ αὐτοὺς καὶ τοὺς παῖδας ὑφ'
ὑμῶν ταῖς ἐσχάταις ζημίαις κολάζεσθαι;
37 Ἐγὼ τοίνυν, ὦ ἄνδρες δικασταί, ἠξίουν ἱκανὰ
εἶναι τὰ κατηγορημένα· μέχρι γὰρ τούτου νομίζω
χρῆναι κατηγορεῖν ἕως ἂν θανάτου δόξῃ τῷ φεύ-
γοντι ἄξια εἰργάσθαι· ταύτην γὰρ ἐσχάτην δίκην
δυνάμεθα παρ' αὐτῶν λαβεῖν. ὥστ' οὐκ οἶδ' ὅ τι

δεῖ πολλὰ κατηγορεῖν τοιούτων ἀνδρῶν, οἳ οὐδ' ὑπὲρ ἑνὸς ἑκάστου τῶν πεπραγμένων δὶς ἀποθανόντες
38 δίκην δοῦναι δύναιντ' ἂν ἀξίαν. οὐ γὰρ δὴ οὐδὲ τοῦτο αὐτῷ προσήκει ποιῆσαι, ὅπερ ἐν τῇδε τῇ πόλει εἰθισμένον ἐστί, πρὸς μὲν τὰ κατηγορημένα μηδὲν ἀπολογεῖσθαι, περὶ δὲ σφῶν αὐτῶν ἕτερα λέγοντες ἐνίοτε ἐξαπατῶσιν ὑμᾶς, ἀποδεικνύντες ὡς στρατιῶται ἀγαθοί εἰσιν, ἢ ὡς πολλὰς τῶν πολεμίων ναῦς ἔλαβον τριηραρχήσαντες, ἢ ὡς πόλεις
39 πολεμίας οὔσας φίλας ἐποίησαν· ἐπεὶ κελεύετε αὐτὸν ἀποδεῖξαι ὅπου τοσούτους τῶν πολεμίων ἀπέκτειναν ὅσους τῶν πολιτῶν, ἢ ναῦς ὅπου τοσαύτας ἔλαβον ὅσας αὐτοὶ παρέδοσαν, ἢ πόλιν ἥντινα τοιαύτην προσεκτήσαντο οἵαν τὴν ὑμετέραν κατε-
40 δουλώσαντο. ἀλλὰ γὰρ ὅπλα τῶν πολεμίων τοσαῦτα ἐσκύλευσαν ὅσαπερ ὑμῶν ἀφείλοντο; ἀλλὰ τείχη τοιαῦτα εἶλον οἷα τὰ τῆς ἑαυτῶν πατρίδος κατέσκαψαν; οἵτινες καὶ τὰ περὶ τὴν Ἀττικὴν φρούρια καθεῖλον, καὶ ὑμῖν ἐδήλωσαν ὅτι οὐδὲ τὸν Πειραιᾶ Λακεδαιμονίων προσταττόντων περιεῖλον, ἀλλ' ὅτι ἑαυτοῖς τὴν ἀρχὴν οὕτω βεβαιοτέραν ἐνόμιζον εἶναι.

41 Πολλάκις οὖν ἐθαύμασα τῆς τόλμης τῶν λεγόντων ὑπὲρ αὐτοῦ, πλὴν ὅταν ἐνθυμηθῶ ὅτι τῶν αὐτῶν ἐστιν αὐτούς τε πάντα τὰ κακὰ ἐργάζεσθαι καὶ τοὺς
42 τοιούτους ἐπαινεῖν. οὐ γὰρ νῦν πρῶτον τῷ ὑμετέρῳ πλήθει τἀναντία ἔπραξεν, ἀλλὰ καὶ ἐπὶ τῶν τετρακοσίων ἐν τῷ στρατοπέδῳ ὀλιγαρχίαν καθιστὰς

ἔφευγεν ἐξ Ἑλλησπόντου τριήραρχος καταλιπὼν τὴν ναῦν, μετὰ Ἰατροκλέους καὶ ἑτέρων, ὧν τὰ ὀνόματα οὐδὲν δέομαι λέγειν. ἀφικόμενος δὲ δεῦρο τἀναντία τοῖς βουλομένοις δημοκρατίαν εἶναι ἔπραττε. καὶ τούτων μάρτυρας ὑμῖν παρέξομαι.

ΜΑΡΤΥΡΕΣ

43 Τὸν μὲν τοίνυν μεταξὺ βίον αὐτοῦ παρήσω· ἐπειδὴ δὲ ἡ ναυμαχία καὶ ἡ συμφορὰ τῇ πόλει ἐγένετο, δημοκρατίας ἔτι οὔσης, ὅθεν τῆς στάσεως ἦρξαν, πέντε ἄνδρες ἔφοροι κατέστησαν ὑπὸ τῶν καλουμένων ἑταίρων, συναγωγεῖς μὲν τῶν πολιτῶν, ἄρχοντες δὲ τῶν συνωμοτῶν, ἐναντία δὲ τῷ ὑμετέρῳ πλήθει πράττοντες· ὧν Ἐρατοσθένης καὶ Κριτίας ἦσαν.
44 οὗτοι δὲ φυλάρχους τε ἐπὶ τὰς φυλὰς κατέστησαν, καὶ ὅ τι δέοι χειροτονεῖσθαι καὶ οὔστινας χρείη ἄρχειν παρήγγελλον, καὶ εἴ τι ἄλλο πράττειν βούλοιντο, κύριοι ἦσαν· οὕτως οὐχ ὑπὸ τῶν πολεμίων μόνον ἀλλὰ καὶ ὑπὸ τούτων πολιτῶν ὄντων ἐπεβουλεύεσθε ὅπως μήτ' ἀγαθὸν μηδὲν ψηφιεῖσθε πολλῶν
45 τε ἐνδεεῖς ἔσεσθε. τοῦτο γὰρ καλῶς ἠπίσταντο, ὅτι ἄλλως μὲν οὐχ οἷοί τε ἔσονται περιγενέσθαι, κακῶς δὲ πραττόντων δυνήσονται· καὶ ὑμᾶς ἡγοῦντο τῶν παρόντων κακῶν ἐπιθυμοῦντας ἀπαλλαγῆναι
46 περὶ τῶν μελλόντων οὐκ ἐνθυμήσεσθαι. ὡς τοίνυν τῶν ἐφόρων ἐγένετο, μάρτυρας ὑμῖν παρέξομαι, οὐ τοὺς τότε συμπράττοντας (οὐ γὰρ ἂν δυναίμην),
47 ἀλλὰ τοὺς αὐτοῦ Ἐρατοσθένους ἀκούσαντας. καί-

τοι κἀκεῖνοι εἰ ἐσωφρόνουν κατεμαρτύρουν ἂν αὐτῶν, καὶ τοὺς διδασκάλους τῶν σφετέρων ἁμαρτημάτων σφόδρ' ἂν ἐκόλαζον, καὶ τοὺς ὅρκους, εἰ ἐσωφρόνουν, οὐκ ἂν ἐπὶ μὲν τοῖς τῶν πολιτῶν κακοῖς πιστοὺς ἐνόμιζον, ἐπὶ δὲ τοῖς τῆς πόλεως ἀγαθοῖς ῥᾳδίως παρέβαινον. πρὸς μὲν οὖν τούτους τοσαῦτα λέγω, τοὺς δὲ μάρτυράς μοι κάλει. Καὶ ὑμεῖς ἀνάβητε.

ΜΑΡΤΥΡΕΣ

48 Τῶν μὲν μαρτύρων ἀκηκόατε. τὸ δὲ τελευταῖον εἰς τὴν ἀρχὴν καταστὰς ἀγαθοῦ μὲν οὐδενὸς μετέσχεν, ἄλλων δὲ πολλῶν. καίτοι εἴπερ ἦν ἀνὴρ ἀγαθός, ἐχρῆν ἂν πρῶτον μὲν μὴ παρανόμως ἄρχειν, ἔπειτα τῇ βουλῇ μηνυτὴν γίγνεσθαι περὶ τῶν εἰσαγγελιῶν ἁπασῶν, ὅτι ψευδεῖς εἶεν, καὶ Βάτραχος καὶ Αἰσχυλίδης οὐ τἀληθῆ μηνύουσιν, ἀλλὰ τὰ ὑπὸ τῶν τριάκοντα πλασθέντα εἰσαγγέλλουσι, συγκεί-
49 μενα ἐπὶ τῇ τῶν πολιτῶν βλάβῃ. καὶ μὲν δή, ὦ ἄνδρες δικασταί, ὅσοι κακόνοι ἦσαν τῷ ὑμετέρῳ πλήθει, οὐδὲν ἔλαττον εἶχον σιωπῶντες· ἕτεροι γὰρ ἦσαν οἱ λέγοντες καὶ πράττοντες ὧν οὐκ οἶόν τ' ἦν μείζω κακὰ γενέσθαι τῇ πόλει. ὁπόσοι δ' εὖνοί φασιν εἶναι, πῶς οὐκ ἐνταῦθα ἔδειξαν, αὐτοί τε τὰ βέλτιστα λέγοντες καὶ τοὺς ἐξαμαρτάνοντας ἀποτρέποντες;

50 Ἴσως δ' ἂν ἔχοι εἰπεῖν ὅτι ἐδεδοίκει, καὶ ὑμῶν τοῦτο ἐνίοις ἱκανὸν ἔσται. ὅπως τοίνυν μὴ φανήσεται ἔν τῳ λόγῳ τοῖς τριάκοντα ἐναντιούμενος· εἰ

δὲ μή, ἐνταυθοῖ δῆλος ἔσται ὅτι ἐκεῖνά τε αὐτῷ ἤρεσκε, καὶ τοσοῦτον ἐδύνατο ὥστε ἐναντιούμενος μηδὲν κακὸν παθεῖν ὑπ' αὐτῶν. χρῆν δ' αὐτὸν ὑπὲρ τῆς ὑμετέρας σωτηρίας ταύτην τὴν προθυμίαν ἔχειν, ἀλλὰ μὴ ὑπὲρ Θηραμένους, ὃς εἰς ὑμᾶς πολλὰ ἐξή-
51 μαρτεν. ἀλλ' οὗτος τὴν μὲν πόλιν ἐχθρὰν ἐνόμιζεν εἶναι, τοὺς δ' ὑμετέρους ἐχθροὺς φίλους, ὡς ἀμφότερα ταῦτα ἐγὼ πολλοῖς τεκμηρίοις παραστήσω, καὶ τὰς πρὸς ἀλλήλους διαφορὰς οὐχ ὑπὲρ ὑμῶν ἀλλ' ὑπὲρ ἑαυτῶν γιγνομένας, ὁπότεροι μόνοι ταῦτα
52 πράξουσι καὶ τῆς πόλεως ἄρξουσι. εἰ γὰρ ὑπὲρ τῶν ἀδικουμένων ἐστασίαζον, ποῦ κάλλιον ἦν ἀνδρὶ ἄρχοντι ἢ Θρασυβούλου Φυλὴν κατειληφότος, τότ' ἐπιδείξασθαι τὴν αὐτοῦ εὔνοιαν; ὃ δ' ἀντὶ τοῦ ἐπαγγείλασθαί τι ἢ πρᾶξαι ἀγαθὸν πρὸς τοὺς ἐπὶ Φυλῇ, ἐλθὼν μετὰ τῶν συναρχόντων εἰς Σαλαμῖνα καὶ Ἐλευσῖνάδε τριακοσίους τῶν πολιτῶν ἀπήγαγεν εἰς τὸ δεσμωτήριον, καὶ μιᾷ ψήφῳ αὐτῶν ἁπάντων
53 θάνατον κατεψηφίσατο. ἐπειδὴ δὲ εἰς τὸν Πειραιᾶ ἤλθομεν καὶ αἱ ταραχαὶ γεγενημέναι ἦσαν καὶ περὶ τῶν διαλλαγῶν οἱ λόγοι ἐγίγνοντο, πολλὰς ἑκάτεροι ἐλπίδας εἴχομεν πρὸς ἀλλήλους ἔσεσθαι ὡς ἀμφό-
54 τεροι ἐδείξαμεν. οἱ μὲν γὰρ ἐκ Πειραιῶς κρείττους ὄντες εἴασαν αὐτοὺς ἀπελθεῖν· οἱ δὲ εἰς τὸ ἄστυ ἐλθόντες τοὺς μὲν τριάκοντα ἐξέβαλον πλὴν Φείδωνος καὶ Ἐρατοσθένους, ἄρχοντας δὲ τοὺς ἐκείνοις ἐχθίστους εἵλοντο, ἡγούμενοι δικαίως ἂν ὑπὸ τῶν αὐτῶν τούς τε τριάκοντα μισεῖσθαι καὶ τοὺς ἐν

τοι κἀκεῖνοι εἰ ἐσωφρόνουν κατεμαρτύρουν ἂν αὐτῶν, καὶ τοὺς διδασκάλους τῶν σφετέρων ἁμαρτημάτων σφόδρ' ἂν ἐκόλαζον, καὶ τοὺς ὅρκους, εἰ ἐσωφρόνουν, οὐκ ἂν ἐπὶ μὲν τοῖς τῶν πολιτῶν κακοῖς πιστοὺς ἐνόμιζον, ἐπὶ δὲ τοῖς τῆς πόλεως ἀγαθοῖς ῥᾳδίως παρέβαινον. πρὸς μὲν οὖν τούτους τοσαῦτα λέγω, τοὺς δὲ μάρτυράς μοι κάλει. Καὶ ὑμεῖς ἀνάβητε.

## ΜΑΡΤΥΡΕΣ

48 Τῶν μὲν μαρτύρων ἀκηκόατε. τὸ δὲ τελευταῖον εἰς τὴν ἀρχὴν καταστὰς ἀγαθοῦ μὲν οὐδενὸς μετέσχεν, ἄλλων δὲ πολλῶν. καίτοι εἴπερ ἦν ἀνὴρ ἀγαθός, ἐχρῆν ἂν πρῶτον μὲν μὴ παρανόμως ἄρχειν, ἔπειτα τῇ βουλῇ μηνυτὴν γίγνεσθαι περὶ τῶν εἰσαγγελιῶν ἁπασῶν, ὅτι ψευδεῖς εἶεν, καὶ Βάτραχος καὶ Αἰσχυλίδης οὐ τἀληθῆ μηνύουσιν, ἀλλὰ τὰ ὑπὸ τῶν τριάκοντα πλασθέντα εἰσαγγέλλουσι, συγκεί-
49 μενα ἐπὶ τῇ τῶν πολιτῶν βλάβῃ. καὶ μὲν δή, ὦ ἄνδρες δικασταί, ὅσοι κακόνοι ἦσαν τῷ ὑμετέρῳ πλήθει, οὐδὲν ἔλαττον εἶχον σιωπῶντες· ἕτεροι γὰρ ἦσαν οἱ λέγοντες καὶ πράττοντες ὧν οὐκ οἴόν τ' ἦν μείζω κακὰ γενέσθαι τῇ πόλει. ὁπόσοι δ' εὖνοί φασιν εἶναι, πῶς οὐκ ἐνταῦθα ἔδειξαν, αὐτοί τε τὰ βέλτιστα λέγοντες καὶ τοὺς ἐξαμαρτάνοντας ἀποτρέποντες;

50 Ἴσως δ' ἂν ἔχοι εἰπεῖν ὅτι ἐδεδοίκει, καὶ ὑμῶν τοῦτο ἐνίοις ἱκανὸν ἔσται. ὅπως τοίνυν μὴ φανήσεται ἔν τῳ λόγῳ τοῖς τριάκοντα ἐναντιούμενος· εἰ

δὲ μή, ἐνταυθοῖ δῆλος ἔσται ὅτι ἐκεῖνά τε αὐτῷ ἤρεσκε, καὶ τοσοῦτον ἐδύνατο ὥστε ἐναντιούμενος μηδὲν κακὸν παθεῖν ὑπ' αὐτῶν. χρῆν δ' αὐτὸν ὑπὲρ τῆς ὑμετέρας σωτηρίας ταύτην τὴν προθυμίαν ἔχειν, ἀλλὰ μὴ ὑπὲρ Θηραμένους, ὃς εἰς ὑμᾶς πολλὰ ἐξή-
51 μαρτεν. ἀλλ' οὗτος τὴν μὲν πόλιν ἐχθρὰν ἐνόμιζεν εἶναι, τοὺς δ' ὑμετέρους ἐχθροὺς φίλους, ὡς ἀμφότερα ταῦτα ἐγὼ πολλοῖς τεκμηρίοις παραστήσω, καὶ τὰς πρὸς ἀλλήλους διαφορὰς οὐχ ὑπὲρ ὑμῶν ἀλλ' ὑπὲρ ἑαυτῶν γιγνομένας, ὁπότεροι μόνοι ταῦτα
52 πράξουσι καὶ τῆς πόλεως ἄρξουσι. εἰ γὰρ ὑπὲρ τῶν ἀδικουμένων ἐστασίαζον, ποῦ κάλλιον ἦν ἀνδρὶ ἄρχοντι ἢ Θρασυβούλου Φυλὴν κατειληφότος, τότ' ἐπιδείξασθαι τὴν αὐτοῦ εὔνοιαν; ὃ δ' ἀντὶ τοῦ ἐπαγγείλασθαί τι ἢ πρᾶξαι ἀγαθὸν πρὸς τοὺς ἐπὶ Φυλῇ, ἐλθὼν μετὰ τῶν συναρχόντων εἰς Σαλαμῖνα καὶ Ἐλευσῖνάδε τριακοσίους τῶν πολιτῶν ἀπήγαγεν εἰς τὸ δεσμωτήριον, καὶ μιᾷ ψήφῳ αὐτῶν ἁπάντων
53 θάνατον κατεψηφίσατο. ἐπειδὴ δὲ εἰς τὸν Πειραιᾶ ἤλθομεν καὶ αἱ ταραχαὶ γεγενημέναι ἦσαν καὶ περὶ τῶν διαλλαγῶν οἱ λόγοι ἐγίγνοντο, πολλὰς ἑκάτεροι ἐλπίδας εἴχομεν πρὸς ἀλλήλους ἔσεσθαι ὡς ἀμφό-
54 τεροι ἐδείξαμεν. οἳ μὲν γὰρ ἐκ Πειραιῶς κρείττους ὄντες εἴασαν αὐτοὺς ἀπελθεῖν· οἳ δὲ εἰς τὸ ἄστυ ἐλθόντες τοὺς μὲν τριάκοντα ἐξέβαλον πλὴν Φείδωνος καὶ Ἐρατοσθένους, ἄρχοντας δὲ τοὺς ἐκείνοις ἐχθίστους εἵλοντο, ἡγούμενοι δικαίως ἂν ὑπὸ τῶν αὐτῶν τούς τε τριάκοντα μισεῖσθαι καὶ τοὺς ἐν

64 δὲ τοὺς πολίτας ἐξαπατήσας καθεῖλε. περιέστηκεν οὖν τῇ πόλει τοὐναντίον ἢ ὡς εἰκὸς ἦν. ἄξιον μὲν γὰρ ἦν καὶ τοὺς φίλους τοὺς Θηραμένους προσαπολωλέναι, πλὴν εἴ τις ἐτύγχανεν ἐκείνῳ τἀναντία πράττων· νῦν δὲ ὁρῶ τάς τε ἀπολογίας εἰς ἐκεῖνον ἀναφερομένας, τούς τ' ἐκείνῳ συνόντας τιμᾶσθαι πειρωμένους, ὥσπερ πολλῶν ἀγαθῶν αἰτίου ἀλλ'
65 οὐ μεγάλων κακῶν γεγενημένου. ὃς πρῶτον μὲν τῆς προτέρας ὀλιγαρχίας αἰτιώτατος ἐγένετο, πείσας ὑμᾶς τὴν ἐπὶ τῶν τετρακοσίων πολιτείαν ἑλέσθαι. καὶ ὁ μὲν πατὴρ αὐτοῦ τῶν προβούλων ὢν ταῦτ' ἔπραττεν, αὐτὸς δὲ δοκῶν εὐνούστατος εἶναι τοῖς
66 πράγμασι στρατηγὸς ὑπ' αὐτῶν ᾑρέθη. καὶ ἕως μὲν ἐτιμᾶτο, πιστὸν ἑαυτὸν παρεῖχεν· ἐπειδὴ δὲ Πείσανδρον μὲν καὶ Κάλλαισχρον καὶ ἑτέρους ἑώρα προτέρους αὐτοῦ γιγνομένους, τὸ δὲ ὑμέτερον πλῆθος οὐκέτι βουλόμενον τούτων ἀκροᾶσθαι, τότ' ἤδη διά τε τὸν πρὸς ἐκείνους φθόνον καὶ τὸ παρ' ὑμῶν
67 δέος μετέσχε τῶν Ἀριστοκράτους ἔργων. βουλόμενος δὲ τῷ ὑμετέρῳ πλήθει δοκεῖν πιστὸς εἶναι Ἀντιφῶντα καὶ Ἀρχεπτόλεμον φιλτάτους ὄντας αὐτῷ κατηγορῶν ἀπέκτεινεν, εἰς τοσοῦτον δὲ κακίας ἦλθεν, ὥστε ἅμα μὲν διὰ τὴν πρὸς ἐκείνους πίστιν ὑμᾶς κατεδουλώσατο, διὰ δὲ τὴν πρὸς ὑμᾶς τοὺς
68 φίλους ἀπώλεσε. τιμώμενος δὲ καὶ τῶν μεγίστων ἀξιούμενος, αὐτὸς ἐπαγγειλάμενος σώσειν τὴν πόλιν αὐτὸς ἀπώλεσε, φάσκων πρᾶγμα ηὑρηκέναι μέγα καὶ πολλοῦ ἄξιον. ὑπέσχετο δὲ εἰρήνην ποιήσειν

μήτε ὅμηρα δοὺς μήτε τὰ τείχη καθελὼν μήτε τὰς
ναῦς παραδούς· ταῦτα δὲ εἰπεῖν μὲν οὐδενὶ ἠθέ-
69 λησεν, ἐκέλευσε δὲ αὐτῷ πιστεύειν. ὑμεῖς δέ, ὦ
ἄνδρες Ἀθηναῖοι, πραττούσης μὲν τῆς ἐν Ἀρείῳ
πάγῳ βουλῆς σωτήρια, ἀντιλεγόντων δὲ πολλῶν
Θηραμένει, εἰδότες δὲ ὅτι οἱ μὲν ἄλλοι ἄνθρωποι
τῶν πολεμίων ἕνεκα τἀπόρρητα ποιοῦνται, ἐκεῖνος
δ' ἐν τοῖς αὑτοῦ πολίταις οὐκ ἠθέλησεν εἰπεῖν ταῦτα
ἃ πρὸς τοὺς πολεμίους ἔμελλεν ἐρεῖν, ὅμως ἐπετρέ-
ψατε αὐτῷ πατρίδα καὶ παῖδας καὶ γυναῖκας καὶ
70 ὑμᾶς αὐτούς. ὃ δὲ ὢν μὲν ὑπέσχετο οὐδὲν ἔπραξεν,
οὕτως δὲ ἐνετεθύμητο ὡς χρὴ μικρὰν καὶ ἀσθενῆ
γενέσθαι τὴν πόλιν, ὥστε περὶ ὧν οὐδεὶς πώποτε
οὔτε τῶν πολεμίων ἐμνήσθη οὔτε τῶν πολιτῶν
ἤλπισε, ταῦθ' ὑμᾶς ἔπεισε πρᾶξαι, οὐχ ὑπὸ Λακε-
δαιμονίων ἀναγκαζόμενος, ἀλλ' αὐτὸς ἐκείνοις ἐπαγ-
γελλόμενος, τοῦ τε Πειραιῶς τὰ τείχη περιελεῖν
καὶ τὴν ὑπάρχουσαν πολιτείαν καταλῦσαι, εὖ εἰδὼς
ὅτι, εἰ μὴ πασῶν τῶν ἐλπίδων ἀποστερήσεσθε,
71 ταχεῖαν παρ' αὐτοῦ τὴν τιμωρίαν κομιεῖσθε. καὶ
τὸ τελευταῖον, ὦ ἄνδρες δικασταί, οὐ πρότερον
εἴασε τὴν ἐκκλησίαν γενέσθαι, ἕως ὁ ὡμολογημέ-
νος ὑπ' ἐκείνων καιρὸς ἐπιμελῶς ὑπ' αὐτοῦ ἐτη-
ρήθη, καὶ μετεπέμψατο μὲν τὰς μετὰ Λυσάνδρου
ναῦς ἐκ Σάμου, ἐπεδήμησε δὲ τὸ τῶν πολεμίων
72 στρατόπεδον. τότε δὲ τούτων ὑπαρχόντων, καὶ πα-
ρόντος Λυσάνδρου καὶ Φιλοχάρους καὶ Μιλτιάδου,
περὶ τῆς πολιτείας τὴν ἐκκλησίαν ἐποίουν, ἵνα

μήτε ῥήτωρ αὐτοῖς μηδεὶς ἐναντιοῖτο μηδὲ διαπειλοῖτο, ὑμεῖς τε μὴ τὰ τῇ πόλει συμφέροντα ἕλοισθε,
73 ἀλλὰ τἀκείνοις δοκοῦντα ψηφίσαισθε. ἀναστὰς δὲ Θηραμένης ἐκέλευσεν ὑμᾶς τριάκοντα ἀνδράσιν ἐπιτρέψαι τὴν πόλιν, καὶ τῇ πολιτείᾳ χρῆσθαι ἣν Δρακοντίδης ἀπέφαινεν. ὑμεῖς δ' ὅμως καὶ οὕτω διακείμενοι ἐθορυβεῖτε ὡς οὐ ποιήσοντες ταῦτα· ἐγιγνώσκετε γὰρ ὅτι περὶ δουλείας καὶ ἐλευθερίας
74 ἐν ἐκείνῃ τῇ ἡμέρᾳ ἠκκλησιάζετε. Θηραμένης δέ, ὦ ἄνδρες δικασταί, (καὶ τούτων ὑμᾶς αὐτοὺς μάρτυρας παρέχομαι) εἶπεν ὅτι οὐδὲν αὐτῷ μέλοι τοῦ ὑμετέρου θορύβου, ἐπειδὴ πολλοὺς μὲν Ἀθηναίων εἰδείη τοὺς τὰ ὅμοια πράττοντας αὑτῷ, δοκοῦντα δὲ Λυσάνδρῳ καὶ Λακεδαιμονίοις λέγοι. μετ' ἐκεῖνον δὲ Λύσανδρος ἀναστὰς ἄλλα τε πολλὰ εἶπε καὶ ὅτι παρασπόνδους ὑμᾶς ἔχοι, καὶ ὅτι οὐ περὶ πολιτείας ὑμῖν ἔσται ἀλλὰ περὶ σωτηρίας, εἰ μὴ ποιήσαιθ'
75 ἃ Θηραμένης κελεύοι. τῶν δ' ἐν τῇ ἐκκλησίᾳ ὅσοι ἄνδρες ἀγαθοὶ ἦσαν, γνόντες τὴν παρασκευὴν καὶ τὴν ἀνάγκην, οἱ μὲν αὐτοῦ μένοντες ἡσυχίαν ἦγον, οἱ δ' ᾤχοντο ἀπιόντες, τοῦτο γοῦν σφίσιν αὐτοῖς συνειδότες, ὅτι οὐδὲν κακὸν τῇ πόλει ἐψηφίσαντο· ὀλίγοι δέ τινες καὶ πονηροὶ καὶ κακῶς βουλευό-
76 μενοι τὰ προσταχθέντα ἐχειροτόνησαν· παρήγγελτο γὰρ αὐτοῖς δέκα μὲν οὓς Θηραμένης ἀπέδειξε χειροτονῆσαι, δέκα δὲ οὓς οἱ καθεστηκότες ἔφοροι κελεύοιεν, δέκα δ' ἐκ τῶν παρόντων· οὕτω γὰρ τὴν ὑμετέραν ἀσθένειαν ἑώρων καὶ τὴν αὐτῶν δύναμιν

ἠπίσταντο, ὥστε πρότερον ᾔδεσαν τὰ μέλλοντα ἐν
77 τῇ ἐκκλησίᾳ πραχθήσεσθαι. ταῦτα δὲ οὐκ ἐμοὶ
δεῖ πιστεῦσαι, ἀλλὰ ἐκείνῳ· πάντα γὰρ τὰ ὑπ'
ἐμοῦ εἰρημένα ἐν τῇ βουλῇ ἀπολογούμενος ἔλεγεν,
ὀνειδίζων μὲν τοῖς φεύγουσιν, ὅτι δι' αὐτὸν κα-
τέλθοιεν, οὐδὲν φροντιζόντων Λακεδαιμονίων, ὀνει-
δίζων δὲ τοῖς τῆς πολιτείας μετέχουσιν ὅτι πάντων
τῶν πεπραγμένων τοῖς εἰρημένοις τρόποις ὑπ' ἐμοῦ
αὐτοῖς αἴτιος γεγενημένος τοιούτων τυγχάνοι, πολ-
λὰς πίστεις αὐτοῖς ἔργῳ δεδωκὼς καὶ παρ' ἐκείνων
78 ὅρκους εἰληφώς. καὶ τοσούτων καὶ ἑτέρων κακῶν
καὶ αἰσχρῶν καὶ πάλαι καὶ νεωστὶ καὶ μικρῶν καὶ
μεγάλων αἰτίῳ γεγενημένῳ τολμήσουσιν αὐτοὺς
φίλους ὄντας ἀποφαίνειν, οὐχ ὑπὲρ ὑμῶν ἀποθα-
νόντος Θηραμένους ἀλλ' ὑπὲρ τῆς αὐτοῦ πονηρίας,
καὶ δικαίως μὲν ἐν ὀλιγαρχίᾳ δίκην δόντος (ἤδη
γὰρ αὐτὴν κατέλυσε), δικαίως δ' ἂν ἐν δημοκρατίᾳ·
δὶς γὰρ ὑμᾶς κατεδουλώσατο, τῶν μὲν παρόντων
καταφρονῶν, τῶν δὲ ἀπόντων ἐπιθυμῶν, καὶ τῷ
καλλίστῳ ὀνόματί χρώμενος δεινοτάτων ἔργων δι-
δάσκαλος καταστάς.

79 Περὶ μὲν τοίνυν Θηραμένους ἱκανά μοί ἐστι τὰ
κατηγορημένα· ἥκει δ' ὑμῖν ἐκεῖνος ὁ καιρός, ἐν ᾧ
δεῖ συγγνώμην καὶ ἔλεον μὴ εἶναι ἐν ταῖς ὑμετέ-
ραις γνώμαις, ἀλλὰ παρὰ Ἐρατοσθένους καὶ τῶν
τούτου συναρχόντων δίκην λαβεῖν, μηδὲ μαχομέ-
νους μὲν κρείττους εἶναι τῶν πολεμίων, ψηφιζομέ-
80 νους δὲ ἥττους τῶν ἐχθρῶν. μηδ' ὧν φασι μέλλειν

πράξειν πλείω χάριν αὐτοῖς ἴστε, ἢ ὧν ἐποίησαν ὀργίζεσθε· μηδ' ἀποῦσι μὲν τοῖς τριάκοντα ἐπιβουλεύετε, παρόντας δ' ἀφῆτε· μηδὲ τῆς τύχης, ἢ τούτους παρέδωκε τῇ πόλει, κάκιον ὑμεῖς ὑμῖν αὐτοῖς βοηθήσητε.

81 Κατηγόρηται δὴ Ἐρατοσθένους καὶ τῶν τούτου φίλων, οἷς τὰς ἀπολογίας ἀνοίσει καὶ μεθ' ὧν αὐτῷ ταῦτα πέπρακται. ὁ μέντοι ἀγὼν οὐκ ἐξ ἴσου τῇ πόλει καὶ Ἐρατοσθένει· οὗτος μὲν γὰρ κατήγορος καὶ δικαστὴς αὐτὸς ἦν τῶν κρινομένων, ἡμεῖς δὲ νυνὶ εἰς κατηγορίαν καὶ ἀπολογίαν καθέσταμεν.
82 καὶ οὗτοι μὲν τοὺς οὐδὲν ἀδικοῦντας ἀκρίτους ἀπέκτειναν, ὑμεῖς δὲ τοὺς ἀπολέσαντας τὴν πόλιν κατὰ τὸν νόμον ἀξιοῦτε κρίνειν, παρ' ὧν οὐδ' ἂν παρανόμως βουλόμενοι δίκην λαμβάνειν ἀξίαν τῶν ἀδικημάτων ὧν τὴν πόλιν ἠδικήκασι λάβοιτε. τί γὰρ ἂν παθόντες δίκην τὴν ἀξίαν εἴησαν τῶν ἔργων
83 δεδωκότες; πότερον εἰ αὐτοὺς ἀποκτείναιτε καὶ τοὺς παῖδας αὐτῶν, ἱκανὴν ἂν τοῦ φόνου δίκην λάβοιμεν, ὧν οὗτοι πατέρας καὶ υἱεῖς καὶ ἀδελφοὺς ἀκρίτους ἀπέκτειναν; ἀλλὰ γὰρ εἰ τὰ χρήματα τὰ φανερὰ δημεύσαιτε, καλῶς ἂν ἔχοι ἢ τῇ πόλει, ἧς οὗτοι πολλὰ εἰλήφασιν, ἢ τοῖς ἰδιώταις, ὧν τὰς
84 οἰκίας ἐξεπόρθησαν; ἐπειδὴ τοίνυν πάντα ποιοῦντες δίκην παρ' αὐτῶν ἱκανὴν οὐκ ἂν δύναισθε λαβεῖν, πῶς οὐκ αἰσχρὸν ὑμῖν καὶ ἡντινοῦν ἀπολιπεῖν, ἥντινά τις βούλοιτο παρὰ τούτων λαμβάνειν; πᾶν δ' ἄν μοι δοκεῖ τολμῆσαι, ὅστις νυνὶ οὐχ ἑτέ-

ρων ὄντων τῶν δικαστῶν ἀλλ' αὐτῶν τῶν κακῶς πεπονθότων, ἦκει ἀπολογησόμενος πρὸς αὐτοὺς τοὺς μάρτυρας τῆς τούτου πονηρίας· τοσοῦτον ἦ
85 ὑμῶν καταπεφρόνηκεν ἢ ἑτέροις πεπίστευκεν. ὧν ἀμφοτέρων ἄξιον ἐπιμεληθῆναι, ἐνθυμουμένους ὅτι οὔτ' ἂν ἐκεῖνα ἐδύναντο ποιεῖν μὴ ἑτέρων συμπραττόντων οὔτ' ἂν νῦν ἐπεχείρησαν ἐλθεῖν μὴ ὑπὸ τῶν αὐτῶν οἰόμενοι σωθήσεσθαι, οἳ οὐ τούτοις ἤκουσι βοηθήσοντες, ἀλλὰ ἡγούμενοι πολλὴν ἄδειαν σφίσιν ἔσεσθαι τῶν τε πεπραγμένων καὶ τοῦ λοιποῦ ποιεῖν ὅ τι ἂν βούλωνται, εἰ τοὺς μεγίστων κακῶν αἰτίους λαβόντες ἀφήσετε.

86 Ἀλλὰ καὶ τῶν συνερούντων αὐτοῖς ἄξιον θαυμάζειν, πότερον ὡς καλοὶ κἀγαθοὶ αἰτήσονται, τὴν αὑτῶν ἀρετὴν πλείονος ἀξίαν ἀποφαίνοντες τῆς τούτων πονηρίας· ἐβουλόμην μέντ' ἂν αὐτοὺς οὕτω προθύμους εἶναι σῴζειν τὴν πόλιν, ὥσπερ οὗτοι ἀπολλύναι· ἢ ὡς δεινοὶ λέγειν ἀπολογήσονται καὶ τὰ τούτων ἔργα πολλοῦ ἄξια ἀποφανοῦσιν. ἀλλ' οὐχ ὑπὲρ ὑμῶν οὐδεὶς αὐτῶν οὐδὲ τὰ δίκαια πώποτε ἐπεχείρησεν εἰπεῖν.

87 Ἀλλὰ τοὺς μάρτυρας ἄξιον ἰδεῖν, οἳ τούτοις μαρτυροῦντες αὐτῶν κατηγοροῦσι, σφόδρα ἐπιλήσμονας καὶ εὐήθεις νομίζοντες ὑμᾶς εἶναι, εἰ διὰ μὲν τοῦ ὑμετέρου πλήθους ἀδεῶς ἡγοῦνται τοὺς τριάκοντα σώσειν, διὰ δὲ Ἐρατοσθένη καὶ τοὺς συνάρχοντας αὐτοῦ δεινὸν ἦν καὶ τῶν τεθνεώτων ἐπ' ἐκφορὰν
88 ἐλθεῖν. καίτοι οὗτοι μὲν σωθέντες πάλιν ἂν δύναιντο

τὴν πόλιν ἀπολέσαι· ἐκεῖνοι δέ, οὓς οὗτοι ἀπώλεσαν, τελευτήσαντες τὸν βίον πέρας ἔχουσι τῆς τῶν ἐχθρῶν τιμωρίας. οὐκ οὖν δεινὸν εἰ τῶν μὲν ἀδίκως τεθνεώτων οἱ φίλοι συναπώλλυντο, αὐτοῖς δὲ τοῖς τὴν πόλιν ἀπολέσασιν δήπου ἐπ' ἐκφορὰν πολλοὶ ἥξουσιν, ὁπότε βοηθεῖν τοσοῦτοι παρασκευάζονται;
19 καὶ μὲν δὴ πολλῷ ῥᾷον ἡγοῦμαι εἶναι ὑπὲρ ὧν ὑμεῖς ἐπάσχετε ἀντειπεῖν, ἢ ὑπὲρ ὧν οὗτοι πεποιήκασιν ἀπολογήσασθαι. καίτοι λέγουσιν ὡς Ἐρατοσθένει ἐλάχιστα τῶν τριάκοντα κακὰ εἴργασται, καὶ διὰ τοῦτο αὐτὸν ἀξιοῦσι σωθῆναι· ὅτι δὲ τῶν ἄλλων Ἑλλήνων πλεῖστα εἰς ὑμᾶς ἐξημάρτηκεν, οὐκ οἴονται χρῆναι αὐτὸν ἀπολέσθαι.
20 Ὑμεῖς δὲ δείξετε ἥντινα γνώμην ἔχετε περὶ τῶν πραγμάτων. εἰ μὲν γὰρ τούτου καταψηφιεῖσθε, δῆλοι ἔσεσθε ὡς ὀργιζόμενοι τοῖς πεπραγμένοις· εἰ δὲ ἀποψηφιεῖσθε, ὀφθήσεσθε τῶν αὐτῶν ἔργων ἐπιθυμηταὶ τούτοις ὄντες, καὶ οὐχ ἕξετε λέγειν ὅτι
21 τὰ ὑπὸ τῶν τριάκοντα προσταχθέντα ἐποιεῖτε· νυνὶ μὲν γὰρ οὐδεὶς ὑμᾶς ἀναγκάζει παρὰ τὴν ὑμετέραν γνώμην ἀποψηφίζεσθαι. ὥστε συμβουλεύω μὴ τούτων ἀποψηφισαμένους ὑμῶν αὐτῶν καταψηφίσασθαι. μηδ' οἴεσθε κρύβδην εἶναι τὴν ψῆφον· φανερὰν γὰρ τῇ πόλει τὴν ὑμετέραν γνώμην ποιήσετε.
22 Βούλομαι δὲ ὀλίγα ἑκατέρους ἀναμνήσας καταβαίνειν, τούς τε ἐξ ἄστεως καὶ τοὺς ἐκ Πειραιῶς, ἵνα τὰς ὑμῖν διὰ τοῦτον γεγενημένας συμφορὰς παραδείγματα ἔχοντες τὴν ψῆφον φέρητε. καὶ

πρῶτον μὲν ὅσοι ἐξ ἄστεώς ἐστε, σκέψασθε ὅτι ὑπὸ τούτων οὕτω σφόδρα ἤρχεσθε, ὥστε ἀδελφοῖς καὶ υἱέσι καὶ πολίταις ἠναγκάζεσθε πολεμεῖν τοιοῦτον πόλεμον, ἐν ᾧ ἡττηθέντες μὲν τοῖς νικήσασι τὸ ἴσον ἔχετε, νικήσαντες δ' ἂν τούτοις ἐδουλεύετε.

93 καὶ τοὺς ἰδίους οἴκους οὗτοι μὲν ἐκ τῶν πραγμάτων μεγάλους ἐκτήσαντο, ὑμεῖς δὲ διὰ τὸν πρὸς ἀλλήλους πόλεμον ἐλάττους ἔχετε· συνωφελεῖσθαι μὲν γὰρ ὑμᾶς οὐκ ἠξίουν, συνδιαβάλλεσθαι δ' ἠνάγκαζον, εἰς τοσοῦτον ὑπεροψίας ἐλθόντες ὥστε οὐ τῶν ἀγαθῶν κοινούμενοι πιστοὺς ὑμᾶς ἐκτῶντο, ἀλλὰ τῶν ὀνειδῶν μεταδιδόντες εὔνους ᾠοντο εἶναι.

94 ἀνθ' ὧν ὑμεῖς νῦν ἐν τῷ θαρραλέῳ ὄντες, καθ' ὅσον δύνασθε, καὶ ὑπὲρ ὑμῶν αὐτῶν καὶ ὑπὲρ τῶν ἐκ Πειραιῶς τιμωρήσασθε, ἐνθυμηθέντες μὲν ὅτι ὑπὸ τούτων πονηροτάτων ὄντων ἤρχεσθε, ἐνθυμηθέντες δὲ ὅτι μετ' ἀνδρῶν νῦν ἀρίστων πολιτεύεσθε καὶ τοῖς πολεμίοις μάχεσθε καὶ περὶ τῆς πόλεως βουλεύεσθε, ἀναμνησθέντες δὲ τῶν ἐπικούρων, οὓς οὗτοι φύλακας τῆς σφετέρας ἀρχῆς καὶ τῆς ὑμετέρας

95 δουλείας εἰς τὴν ἀκρόπολιν κατέστησαν. καὶ πρὸς ὑμᾶς μὲν ἔτι πολλῶν ὄντων εἰπεῖν τοσαῦτα λέγω.

Ὅσοι δ' ἐκ Πειραιῶς ἐστε, πρῶτον μὲν τῶν ὅπλων ἀναμνήσθητε, ὅτι πολλὰς μάχας ἐν τῇ ἀλλοτρίᾳ μαχεσάμενοι οὐχ ὑπὸ τῶν πολεμίων ἀλλ' ὑπὸ τούτων εἰρήνης οὔσης ἀφῃρέθητε τὰ ὅπλα, ἔπειθ' ὅτι ἐξεκηρύχθητε μὲν ἐκ τῆς πόλεως, ἣν ὑμῖν οἱ πατέρες παρέδοσαν, φεύγοντας δὲ ὑμᾶς ἐκ τῶν πόλεων ἐξῆν

96 τοῦντο. ἀνθ' ὧν ὀργίσθητε μὲν ὥσπερ ὅτ' ἐφεύγετε, ἀναμνήσθητε δὲ καὶ τῶν ἄλλων κακῶν ἃ πεπόνθατε ὑπ' αὐτῶν, οἳ τοὺς μὲν ἐκ τῆς ἀγορᾶς τοὺς δ' ἐκ τῶν ἱερῶν συναρπάζοντες βιαίως ἀπέκτειναν, τοὺς δὲ ἀπὸ τέκνων καὶ γονέων καὶ γυναικῶν ἀφέλκοντες φονέας αὑτῶν ἠνάγκασαν γενέσθαι καὶ οὐδὲ ταφῆς τῆς νομιζομένης εἴασαν τυχεῖν, ἡγούμενοι τὴν αὑτῶν ἀρχὴν βεβαιοτέραν εἶναι τῆς παρὰ τῶν θεῶν τιμω-
97 ρίας. ὅσοι δὲ τὸν θάνατον διέφυγον, πολλαχοῦ κινδυνεύσαντες, καὶ εἰς πολλὰς πόλεις πλανηθέντες καὶ πανταχόθεν ἐκκηρυττόμενοι, ἐνδεεῖς ὄντες τῶν ἐπιτηδείων, οἳ μὲν ἐν πολεμίᾳ τῇ πατρίδι τοὺς παῖδας καταλιπόντες, οἳ δ' ἐν ξένῃ γῇ πολλῶν ἐναντιουμένων ἦλθετε εἰς τὸν Πειραιᾶ. πολλῶν δὲ καὶ μεγάλων κινδύνων ὑπαρξάντων ἄνδρες ἀγαθοὶ γενόμενοι τοὺς μὲν ἠλευθερώσατε, τοὺς δ' εἰς τὴν πα-
98 τρίδα κατηγάγετε. εἰ δὲ ἐδυστυχήσατε καὶ τούτων ἡμάρτετε, αὐτοὶ μὲν ἂν δείσαντες ἐφεύγετε μὴ πάθητε τοιαῦτα οἷα καὶ πρότερον, καὶ οὔτ' ἂν ἱερὰ οὔτε βωμοὶ ὑμᾶς ἀδικουμένους διὰ τοὺς τούτων τρόπους ὠφέλησεν, ἃ καὶ τοῖς ἀδικοῦσι σωτήρια γίγνεται· οἱ δὲ παῖδες ὑμῶν, ὅσοι μὲν ἐνθάδε ἦσαν, ὑπὸ τούτων ἂν ὑβρίζοντο, οἳ δ' ἐπὶ ξένης μικρῶν ἂν ἕνεκα συμβολαίων ἐδούλευον ἐρημίᾳ τῶν ἐπικουρησόντων.

99 Ἀλλὰ γὰρ οὐ τὰ μέλλοντα ἔσεσθαι βούλομαι λέγειν, τὰ πραχθέντα ὑπὸ τούτων οὐ δυνάμενος εἰπεῖν· οὐδὲ γὰρ ἑνὸς κατηγόρου οὐδὲ δυοῖν ἔργον

ἐστίν ἀλλὰ πολλῶν. ὅμως δὲ τῆς ἐμῆς προθυμίας οὐδὲν ἐλλέλειπται, ὑπέρ τε τῶν ἱερῶν, ἃ οὗτοι τὰ μὲν ἀπέδοντο τὰ δ' εἰσιόντες ἐμίαινον, ὑπέρ τε τῆς πόλεως, ἣν μικρὰν ἐποίουν, ὑπέρ τε τῶν νεωρίων, ἃ καθεῖλον, καὶ ὑπὲρ τῶν τεθνεώτων, οἷς ὑμεῖς, ἐπειδὴ ζῶσιν ἐπαμῦναι οὐκ ἐδύνασθε, ἀποθανοῦσι βοηθήσατε. οἶμαι δ' αὐτοὺς ἡμῶν τε ἀκροᾶσθαι καὶ ὑμᾶς εἴσεσθαι τὴν ψῆφον φέροντας, ἡγουμένους, ὅσοι μὲν ἂν τούτων ἀποψηφίσησθε, αὐτῶν θάνατον κατεψηφισμένους ἔσεσθαι, ὅσοι δ' ἂν παρὰ τούτων δίκην λάβωσιν, ὑπὲρ αὐτῶν τὰς τιμωρίας πεποιημένους.

Παύσομαι κατηγορῶν. ἀκηκόατε, ἑωράκατε, πεπόνθατε, ἔχετε. δικάζετε.

# XVI

## ΕΝ ΒΟΥΛΗΙ

## ΜΑΝΤΙΘΕΩΙ ΔΟΚΙΜΑΖΟΜΕΝΩΙ ΑΠΟΛΟΓΙΑ

This interesting oration was delivered by one Mantitheus, in his own defense, after his election to an office. Though it is nowhere expressly stated what the office was, yet it is fair to conclude from the contents of § 8 that it was that of senator.

The incoming members of the *βουλή*, or Senate, at Athens each year were required, before taking their seats, to pass an examination before the outgoing members as to their fitness to become senators. This examination was called *δοκιμασία*, and covered quite a number of points in a candidate's life and character (see §§ 10–13). Deinarchus (2, 17) mentions, among these, private character, proper behavior towards one's parents, and the payment of taxes.

Any Athenian citizen, if he so chose, could challenge a candidate, and, if successful, bar him from the position he sought. This right, however, was often abused, since, by taking advantage of it and by trumping up groundless charges, a jealous, unprincipled opponent could greatly perplex and annoy a perfectly honorable and capable man.

To Mantitheus it was objected by some one unknown to us that in the time of the Thirty Tyrants he had served in their cavalry, — a fact, as we learn from

another oration of Lysias (XXVI, 10) and from a speech of Andocides (I, 75), that was sufficient to defeat a candidate. The cavalry arm of the Thirty Tyrants had been most active and useful to them in the terrible work of their short reign, and though ten years had now passed, all who had been in any way connected with it were regarded by the restored democracy with peculiar aversion. Indeed, it was considered a gain by the people, we are told (Xen. Hellen. III, 1, 4), whenever any of them went abroad and lost their lives.

Accordingly, Mantitheus found himself in a very embarrassing plight, when, after his election to the office which he sought, he was accused of having formerly belonged to that despised body of cavalry.

He was compelled either to give up the place to which he had been elected, or to prove that he had not served in the cavalry of the Thirty. He undertook to do the latter, and probably succeeded in his effort, if we may judge from the speech itself, though we have no testimony regarding the outcome of the trial. The prosecution had evidently undertaken to show that the name of Mantitheus appeared on the list (*σανίδιον*) of those in the cavalry of the Thirty. Mantitheus affirms the entire unreliability of that list, as the names of many known to have been in that service do not appear in it, while the names of others known to have had no connection whatever with the cavalry in question are found written there. He then brings forward the list made by the phylarchs, which those officers had to prepare correctly or suffer punishment, claiming that to be the true one, and affirming that his name does not appear in it.

The defense proper on the point at issue, that is, as to whether he had served in the cavalry at the time of the Thirty, ends at § 9. The remainder of the oration consists of an account of the speaker's past life, both private and public.

The time of the speech can be ascertained only approximately from the speech itself. In § 15 Mantitheus speaks of events that occurred just before the battle of Coronea, which was fought in 394 B.C. Further, the contemptuous vein in which he speaks in the same section of Thrasybūlus, who died in 389 B.C., would hardly have been made, we think, if the latter had not been living at the time of the oration. It seems to have been spoken soon after Coronea, perhaps in 393 B.C., or thereabouts.

Lysias, in the preparation of this speech, showed in a marked degree his ability in character drawing, *ἠθοποιία*, and in suiting the language to the requirements and station of the one who was to use it. Mantitheus is seen to be a man of great self-confidence, very ready to talk of his record, somewhat aristocratic in his bearing, and odd in his dress and appearance (§ 18). The oration is one of the best of the author's works that have come down to us. Jebb discusses it on p. 240 and Blass on p. 515 of their works on the Attic orators.

*Εἰ μὴ συνῄδειν, ὦ βουλή, τοῖς κατηγόροις βουλομένοις ἐκ παντὸς τρόπου κακῶς ἐμὲ ποιεῖν, πολλὴν ἂν αὐτοῖς χάριν εἶχον ταύτης τῆς κατηγορίας· ἡγοῦμαι γὰρ τοῖς ἀδίκως διαβεβλημένοις τούτους*

εἶναι μεγίστων ἀγαθῶν αἰτίους, οἵτινες ἂν αὐτοὺς ἀναγκάζωσιν εἰς ἔλεγχον τῶν αὐτοῖς βεβιωμένων
2 καταστῆναι. ἐγὼ γὰρ οὕτω σφόδρα ἐμαυτῷ πιστεύω, ὥστ' ἐλπίζω καὶ εἴ τις πρός με τυγχάνει ἀηδῶς διακείμενος, ἐπειδὰν ἐμοῦ λέγοντος ἀκούσῃ περὶ τῶν πεπραγμένων, μεταμελήσειν αὐτῷ καὶ πολὺ βελτίω με εἰς τὸν λοιπὸν χρόνον ἡγήσεσθαι.
3 ἀξιῶ δέ, ὦ βουλή, ἐὰν μὲν τοῦτο μόνον ὑμῖν ἀποδείξω, ὡς εὔνους εἰμὶ τοῖς καθεστηκόσι πράγμασι καὶ ὡς ἠνάγκασμαι τῶν αὐτῶν κινδύνων μετέχειν ὑμῖν, μηδέν πώ μοι πλέον εἶναι· ἐὰν δὲ φαίνωμαι καὶ περὶ τὰ ἄλλα μετρίως βεβιωκὼς καὶ πολὺ παρὰ τὴν δόξαν καὶ παρὰ τοὺς λόγους τοὺς τῶν ἐχθρῶν, δέομαι ὑμῶν ἐμὲ μὲν δοκιμάζειν, τούτους δὲ ἡγεῖσθαι χείρους εἶναι. πρῶτον δὲ ἀποδείξω ὡς οὐχ ἱππευον ἐπὶ τῶν τριάκοντα, οὐδὲ μετέσχον τῆς τότε πολιτείας.
4 Ἡμᾶς γὰρ ὁ πατὴρ πρὸ τῆς ἐν Ἑλλησπόντῳ συμφορᾶς ὡς Σάτυρον τὸν ἐν τῷ Ῥόντῳ διαιτησομένους ἐξέπεμψε, καὶ οὔτε τῶν τειχῶν καθαιρουμένων ἐπεδημοῦμεν οὔτε μεθισταμένης τῆς πολιτείας, ἀλλ' ἤλθομεν πρὶν τοὺς ἀπὸ Φυλῆς εἰς τὸν Πειραιᾶ
5 κατελθεῖν πρότερον πένθ' ἡμέραις. καίτοι οὔτε ἡμᾶς εἰκὸς ἦν εἰς τοιοῦτον καιρὸν ἀφιγμένους ἐπιθυμεῖν μετέχειν τῶν ἀλλοτρίων κινδύνων, οὔτ' ἐκεῖνοι φαίνονται τοιαύτην γνώμην ἔχοντες ὥστε καὶ τοῖς ἀποδημοῦσι καὶ μηδὲν ἐξαμαρτάνουσι μεταδιδόναι τῆς πολιτείας, ἀλλὰ μᾶλλον ἠτίμαζον καὶ τοὺς

συγκαταλύσαντας τὸν δῆμον. ἔπειτα δὲ ἐκ μὲν
6 τοῦ σανιδίου τοὺς ἱππεύσαντας σκοπεῖν εὔηθές
ἐστιν· ἐν τούτῳ γὰρ πολλοὶ μὲν τῶν ὁμολογούντων
ἱππεύειν οὐκ ἔνεισιν, ἔνιοι δὲ τῶν ἀποδημούντων
ἐγγεγραμμένοι εἰσίν. ἐκεῖνος δ' ἐστὶν ἔλεγχος
μέγιστος· ἐπειδὴ γὰρ κατήλθετε, ἐψηφίσασθε τοὺς
φυλάρχους ἀπενεγκεῖν τοὺς ἱππεύσαντας, ἵνα τὰς
7 καταστάσεις ἀναπράττητε παρ' αὐτῶν. ἐμὲ τοίνυν
οὐδεὶς ἂν ἀποδείξειεν οὔτ' ἀπενεχθέντα ὑπὸ τῶν
φυλάρχων οὔτε παραδοθέντα τοῖς συνδίκοις οὔτε
κατάστασιν παραλαβόντα. καίτοι πᾶσι ῥᾴδιον
τοῦτο γνῶναι, ὅτι ἀναγκαῖον ἦν τοῖς φυλάρχοις, εἰ
μὴ ἀποδείξειαν τοὺς ἔχοντας τὰς καταστάσεις,
αὐτοῖς ζημιοῦσθαι. ὥστε πολὺ ἂν δικαιότερον ἐκεί-
νοις τοῖς γράμμασιν ἢ τούτοις πιστεύοιτε· ἐκ μὲν
γὰρ τούτων ῥᾴδιον ἦν ἐξαλειφθῆναι τῷ βουλομένῳ,
ἐν ἐκείνοις δὲ τοὺς ἱππεύσαντας ἀναγκαῖον ἦν ὑπὸ
8 τῶν φυλάρχων ἀπενεχθῆναι. ἔτι δέ, ὦ βουλή, εἴπερ
ἵππευσα, οὐκ ἂν ἦν ἔξαρνος ὡς δεινόν τι πεποιηκώς,
ἀλλ' ἠξίουν, ἀποδείξας ὡς οὐδεὶς ὑπ' ἐμοῦ τῶν πο-
λιτῶν κακῶς πέπονθε, δοκιμάζεσθαι. ὁρῶ δὲ καὶ
ὑμᾶς ταύτῃ τῇ γνώμῃ χρωμένους, καὶ πολλοὺς μὲν
τῶν τότε ἱππευσάντων βουλεύοντας, πολλοὺς δ'
αὐτῶν στρατηγοὺς καὶ ἱππάρχους κεχειροτονη-
μένους. ὥστε μηδὲν δι' ἄλλο με ἡγεῖσθε ταύτην
ποιεῖσθαι τὴν ἀπολογίαν, ἢ ὅτι περιφανῶς ἐτόλ-
μησάν μου καταψεύσασθαι. Ἀνάβηθι δέ μοι καὶ
μαρτύρησον.

## ΜΑΡΤΥΡΙΑ

9 Περὶ μὲν τοίνυν ταύτης τῆς αἰτίας οὐκ οἶδ' ὅ τι δεῖ πλείω λέγειν· δοκεῖ δέ μοι, ὦ βουλή, ἐν μὲν τοῖς ἄλλοις ἀγῶσι περὶ αὐτῶν μόνων τῶν κατηγορημένων προσήκειν ἀπολογεῖσθαι, ἐν δὲ ταῖς δοκιμασίαις δίκαιον εἶναι παντὸς τοῦ βίου λόγον διδόναι. δέομαι οὖν ὑμῶν μετ' εὐνοίας ἀκροάσασθαί μου. ποιήσομαι δὲ τὴν ἀπολογίαν ὡς ἂν δύνωμαι διὰ βραχυτάτων.

10 Ἐγὼ γὰρ πρῶτον μὲν οὐσίας μοι οὐ πολλῆς καταλειφθείσης διὰ τὰς συμφορὰς καὶ τὰς τοῦ πατρὸς καὶ τὰς τῆς πόλεως, δύο μὲν ἀδελφὰς ἐξέδωκα, ἐπιδοὺς τριάκοντα μνᾶς ἑκατέρᾳ, πρὸς τὸν ἀδελφὸν δ' οὕτως ἐνειμάμην ὥστ' ἐκεῖνον πλέον ὁμολογεῖν ἔχειν ἐμοῦ τῶν πατρῴων, καὶ πρὸς τοὺς ἄλλους ἅπαντας οὕτω βεβίωκα ὥστε μηδεπώποτέ
11 μοι μηδὲ πρὸς ἕνα μηδὲν ἔγκλημα γενέσθαι. καὶ τὰ μὲν ἴδια οὕτω διῴκηκα· περὶ δὲ τῶν κοινῶν μοι μέγιστον ἡγοῦμαι τεκμήριον εἶναι τῆς ἐμῆς ἐπιεικείας, ὅτι τῶν νεωτέρων ὅσοι περὶ κύβους ἢ πότους ἢ τὰς τοιαύτας ἀκολασίας τυγχάνουσι τὰς διατριβὰς ποιούμενοι, πάντας αὐτοὺς ὄψεσθέ μοι διαφόρους ὄντας, καὶ πλεῖστα τούτους περὶ ἐμοῦ λογοποιοῦντας καὶ ψευδομένους. καίτοι δῆλον ὅτι, εἰ τῶν αὐτῶν ἐπεθυμοῦμεν, οὐκ ἂν τοιαύτην γνώμην εἶχον περὶ
12 ἐμοῦ. ἔτι δ', ὦ βουλή, οὐδεὶς ἂν ἀποδεῖξαι περὶ ἐμοῦ δύναιτο οὔτε δίκην αἰσχρὰν οὔτε γραφὴν οὔτε εἰσαγγελίαν γεγενημένην· καίτοι ἑτέρους ὁρᾶτε πολλάκις

εἰς τοιούτους ἀγῶνας καθεστηκότας. πρὸς τοίνυν τὰς στρατείας καὶ τοὺς κινδύνους τοὺς πρὸς τοὺς πολεμίους σκέψασθε οἷον ἐμαυτὸν παρέχω τῇ πόλει.

13 πρῶτον μὲν γάρ, ὅτε τὴν συμμαχίαν ἐποιήσασθε πρὸς Βοιωτοὺς καὶ εἰς Ἁλίαρτον ἔδει βοηθεῖν, ὑπὸ Ὀρθοβούλου κατειλεγμένος ἱππεύειν, ἐπειδὴ πάντας ἑώρων τοῖς μὲν ἱππεύουσιν ἀσφάλειαν εἶναι δεῖν νομίζοντας, τοῖς δ' ὁπλίταις κίνδυνον ἡγουμένους, ἑτέρων ἀναβάντων ἐπὶ τοὺς ἵππους ἀδοκιμάστων παρὰ τὸν νόμον, ἐγὼ προσελθὼν ἔφην τῷ Ὀρθοβούλῳ ἐξαλεῖψαί με ἐκ τοῦ καταλόγου, ἡγούμενος αἰσχρὸν εἶναι τοῦ πλήθους μέλλοντος κινδυνεύειν ἄδειαν ἐμαυτῷ παρασκευάσαντα στρατεύεσθαι. Καί μοι ἀνάβηθι, Ὀρθόβουλε.

ΜΑΡΤΥΡΙΑ

14 Συλλεγέντων τοίνυν τῶν δημοτῶν πρὸ τῆς ἐξόδου, εἰδὼς αὐτῶν ἐνίους πολίτας μὲν χρηστοὺς ὄντας καὶ προθύμους, ἐφοδίων δὲ ἀποροῦντας, εἶπον ὅτι χρὴ τοὺς ἔχοντας παρέχειν τὰ ἐπιτήδεια τοῖς ἀπόρως διακειμένοις. καὶ οὐ μόνον τοῦτο συνεβούλευον τοῖς ἄλλοις, ἀλλὰ καὶ αὐτὸς ἔδωκα δυοῖν ἀνδροῖν τριάκοντα δραχμὰς ἑκατέρῳ, οὐχ ὡς πολλὰ κεκτημένος, ἀλλ' ἵνα παράδειγμα τοῦτο τοῖς ἄλλοις γένηται. καί μοι ἀνάβητε.

ΜΑΡΤΥΡΕΣ

15 Μετὰ ταῦτα τοίνυν, ὦ βουλή, εἰς Κόρινθον ἐξόδου γενομένης καὶ πάντων προειδότων ὅτι δεήσει

κινδυνεύειν, ἑτέρων ἀναδυομένων ἐγὼ διεπραξάμην ὥστε τῆς πρώτης τεταγμένος μάχεσθαι τοῖς πολεμίοις· καὶ μάλιστα τῆς ἡμετέρας φυλῆς δυστυχησάσης, καὶ πλείστων ἐναποθανόντων, ὕστερος ἀνεχώρησα τοῦ σεμνοῦ Στειριῶς τοῦ πᾶσιν ἀνθρώ-
16 ποις δειλίαν ὠνειδικότος. καὶ οὐ πολλαῖς ἡμέραις ὕστερον μετὰ ταῦτα ἐν Κορίνθῳ χωρίων ἰσχυρῶν κατειλημμένων, ὥστε τοὺς πολεμίους μὴ δύνασθαι προσιέναι, Ἀγησιλάου δ' εἰς τὴν Βοιωτίαν ἐμβαλόντος ψηφισαμένων τῶν ἀρχόντων ἀποχωρίσαι τάξεις αἵτινες βοηθήσουσι, φοβουμένων ἁπάντων (εἰκότως, ὦ βουλή· δεινὸν γὰρ ἦν ἀγαπητῶς ὀλίγῳ πρότερον σεσωμένους ἐφ' ἕτερον κίνδυνον ἰέναι) προσελθὼν ἐγὼ τὸν ταξίαρχον ἐκέλευον ἀκληρωτὶ
17 τὴν ἡμετέραν τάξιν πέμπειν. ὥστ' εἴ τινες ὑμῶν ὀργίζονται τοῖς τὰ μὲν τῆς πόλεως ἀξιοῦσι πράττειν, ἐκ δὲ τῶν κινδύνων ἀποδιδράσκουσιν, οὐκ ἂν δικαίως περὶ ἐμοῦ τὴν γνώμην ταύτην ἔχοιεν· οὐ γὰρ μόνον τὰ προσταττόμενα ἐποίουν προθύμως, ἀλλὰ καὶ κινδυνεύειν ἐτόλμων. καὶ ταῦτ' ἐποίουν οὐχ ὡς οὐ δεινὸν ἡγούμενος εἶναι Λακεδαιμονίοις μάχεσθαι, ἀλλ' ἵνα, εἴ ποτε ἀδίκως εἰς κίνδυνον καθισταίμην, διὰ ταῦτα βελτίων ὑφ' ὑμῶν νομιζόμενος ἁπάντων τῶν δικαίων τυγχάνοιμι. Καί μοι ἀνάβητε τούτων μάρτυρες.

ΜΑΡΤΥΡΕΣ

18 Τῶν τοίνυν ἄλλων στρατειῶν καὶ φρουρῶν οὐδε-

μιᾶς ἀπελείφθην πώποτε, ἀλλὰ πάντα τὸν χρόνον διατετέλεκα μετὰ τῶν πρώτων μὲν τὰς ἐξόδους ποιούμενος, μετὰ τῶν τελευταίων δὲ ἀναχωρῶν. καίτοι χρὴ τοὺς φιλοτίμως καὶ κοσμίως πολιτευομένους ἐκ τῶν τοιούτων σκοπεῖν, ἀλλ᾽ οὐκ εἴ τις κομᾷ, διὰ τοῦτο μισεῖν· τὰ μὲν γὰρ τοιαῦτα ἐπιτηδεύματα οὔτε τοὺς ἰδιώτας οὔτε τὸ κοινὸν τῆς πόλεως βλάπτει, ἐκ δὲ τῶν κινδυνεύειν ἐθελόντων πρὸς τοὺς πολεμίους ἅπαντες ὑμεῖς ὠφελεῖσθε.

19 ὥστε οὐκ ἄξιον ἀπ᾽ ὄψεως, ὦ βουλή, οὔτε φιλεῖν οὔτε μισεῖν οὐδένα, ἀλλ᾽ ἐκ τῶν ἔργων σκοπεῖν· πολλοὶ μὲν γὰρ μικρὸν διαλεγόμενοι καὶ κοσμίως ἀμπεχόμενοι μεγάλων κακῶν αἴτιοι γεγόνασιν, ἕτεροι δὲ τῶν τοιούτων ἀμελοῦντες πολλὰ κἀγαθὰ ὑμᾶς εἰσω εἰργασμένοι.

20 Ἤδη δέ τινων ἠσθόμην, ὦ βουλή, καὶ διὰ ταῦτα ἀχθομένων μοι, ὅτι νεώτερος ὢν ἐπεχείρησα λέγειν ἐν τῷ δήμῳ. ἐγὼ δὲ τὸ μὲν πρῶτον ἠναγκάσθην ὑπὲρ τῶν ἐμαυτοῦ πραγμάτων δημηγορῆσαι, ἔπειτα μέντοι καὶ ἐμαυτῷ δοκῶ φιλοτιμότερον διατεθῆναι τοῦ δέοντος, ἅμα μὲν τῶν προγόνων ἐνθυμούμενος, ὅτι οὐδὲν πέπαυνται τὰ τῆς πόλεως πράττοντες,

21 ἅμα δὲ ὑμᾶς ὁρῶν (τὰ γὰρ ἀληθῆ χρὴ λέγειν) τοὺς τοιούτους μόνους ἀξίους τινὸς νομίζοντας εἶναι, ὥστε ὁρῶν ὑμᾶς ταύτην τὴν γνώμην ἔχοντας τίς οὐκ ἂν ἐπαρθείη πράττειν καὶ λέγειν ὑπὲρ τῆς πόλεως; ἔτι δὲ τί ἂν τοῖς τοιούτοις ἄχθοισθε; οὐ γὰρ ἕτεροι περὶ αὐτῶν κριταί εἰσιν, ἀλλ᾽ ὑμεῖς.

# XXII

## ΚΑΤΑ ΤΩΝ ΣΙΤΟΠΩΛΩΝ

This oration was pronounced before a Heliastic court by a senator, against some grain dealers who had broken the existing law regarding the purchase and sale of grain. Attica, whose chief city was Athens, numbered, in the time of Lysias, about 500,000 people. To supply that population with grain was no light matter, as the soil of Greece was not well suited for the raising of cereals. The olive and the fig were the chief products of Attica's soil. Of small grains, barley seemed to thrive best. As a result of the meager home supply, much grain had to be imported. The chief regions whence this supply came were Sicily, Rhodes, Egypt, and especially the Tauric Chersonese (Crimea), the country bordering on the Pontus. In consequence of this demand for foreign breadstuffs, many people at Athens engaged in the grain business. It would seem from the contents of this oration that speculators in those days, as well as in our time, knew in a measure how to 'corner the market,' and to reap large profits by so doing. The metics, or resident foreigners, in greater number than any other class of people, engaged in this business, and in many cases grew rich, for those days, from its successful prosecution. The importers were called *ἔμποροι*; the retail dealers, the *σιτοπῶλαι*, or, by way of contempt, *κάπηλοι*, *hucksters*. These

retail dealers, by combining and agreeing to pay only a certain price for grain, could greatly annoy the importers, and by adopting this course often drive vessels with their cargoes to other ports, — a course of conduct very offensive to the Athenian people. Again, by purchasing a large quantity of grain at a time when it was cheap, and holding it till the prices rose, they could sell to the people at a great profit. In either case, the people were the sufferers. Speculation, then, as now, could not be fully controlled, but measures were taken to check it as much as possible. In order that the Athenians might not be imposed upon by the dealers in the matter of the supply and the price of grain, certain laws and regulations were made whose observance was required by all who engaged in the grain business.

Owing to the possibility of large gains, dealers often took the great risk of breaking the laws regulating their business. The penalty was death. They were watched very closely. A class of unprincipled informers called Sycophants, often purposely, and on false charges, brought them to trial, hoping either to be bought off, or to get a large fee if successful in gaining the suit. This accounts for the fear expressed by the plaintiff in the opening section of the speech, that he, though actuated by an honorable motive in the case, may be regarded in the light of a sycophant.

Special officers, called σιτοφύλακες, *grain inspectors*, were appointed each year, ten probably for the city, and five for the Peiraeus, whose duty it was to require the observance of the grain laws on the part of all merchants. One of these laws expressly forbade dealers from buying at one time more than fifty μέδιμνοι (or

φορμοί), — about seventy-five bushels of grain, — and from selling it at more than an obol (three cents) a μέδιμνος in advance of the purchase price. The breaking of this law regarding the quantity and price of grain furnished the occasion of this oration. The case came under the form of procedure called εἰσαγγελία (see App. III, 1), that is, an immediate summons of the accused before the Senate or Assembly to answer to the charge made against him.

The matter was given over to a committee of the Senate, the prytanes, or presidents, for a preliminary investigation (ἀνάκρισις). As it was found to be a proper case for trial, it was brought before a Heliastic court, presided over by the Thesmothetae, a body of six men that regularly attended to such trials.

The speech delivered by the plaintiff on the occasion of the trial before us is straightforward, free from ornament, well arranged, clear and logical. The case is further strengthened by the admission on the part of the defendants of a breach of the law in question. The argument of the closing sentence of the oration is calculated to win a favorable consideration, by its appeal to the personal interest of the court.

The date of the oration is uncertain. Some have sought to fix its time by § 14, but the practices mentioned in that section are of a general nature and do not belong to a particular time. The speech is discussed by Jebb, p. 221, and by Blass, p. 465, in their treatises on the Greek orators.

Πολλοί μοι προσεληλύθασιν, ὦ ἄνδρες δικασταί, θαυμάζοντες ὅτι ἐγὼ τῶν σιτοπωλῶν ἐν τῇ βουλῇ

κατηγόρουν, καὶ λέγοντες ὅτι ὑμεῖς, εἰ ὡς μάλιστα αὐτοὺς ἀδικεῖν ἡγεῖσθε, οὐδὲν ἧττον καὶ τοὺς περὶ τούτων ποιουμένους τοὺς λόγους συκοφαντεῖν νομίζετε. ὅθεν οὖν ἠνάγκασμαι κατηγορεῖν αὐτῶν, περὶ τούτων πρῶτον εἰπεῖν βούλομαι.

2 Ἐπειδὴ γὰρ οἱ πρυτάνεις ἀπέδοσαν εἰς τὴν βουλὴν περὶ αὐτῶν, οὕτως ὠργίσθησαν αὐτοῖς, ὥστε ἔλεγόν τινες τῶν ῥητόρων ὡς ἀκρίτους αὐτοὺς χρὴ τοῖς ἕνδεκα παραδοῦναι θανάτῳ ζημιῶσαι. ἡγούμενος δὲ ἐγὼ δεινὸν εἶναι τοιαῦτα ἐθίζεσθαι ποιεῖν τὴν βουλήν, ἀναστὰς εἶπον ὅτι μοι δοκοίη κρίνειν τοὺς σιτοπώλας κατὰ τὸν νόμον, νομίζων, εἰ μέν εἰσιν ἄξια θανάτου εἰργασμένοι, ὑμᾶς οὐδὲν ἧττον ἡμῶν γνώσεσθαι τὰ δίκαια, εἰ δὲ μηδὲν ἀδικοῦσιν,
3 οὐ δεῖν αὐτοὺς ἀκρίτους ἀπολωλέναι. πεισθείσης δὲ τῆς βουλῆς ταῦτα, διαβάλλειν ἐπεχείρουν με λέγοντες ὡς ἐγὼ σωτηρίας ἕνεκα τῆς τῶν σιτοπωλῶν τοὺς λόγους τούτους ἐποιούμην. πρὸς μὲν οὖν τὴν βουλήν, ὅτ' ἦν αὐτοῖς ἡ κρίσις, ἔργῳ ἀπελογησάμην· τῶν γὰρ ἄλλων ἡσυχίαν ἀγόντων ἀναστὰς αὐτῶν κατηγόρουν, καὶ πᾶσι φανερὸν ἐποίησα ὅτι οὐχ ὑπὲρ τούτων ἔλεγον, ἀλλὰ τοῖς
4 νόμοις τοῖς κειμένοις ἐβοήθουν. ἠρξάμην μὲν οὖν τούτων ἕνεκα, δεδιὼς τὰς αἰτίας· αἰσχρὸν δ' ἡγοῦμαι πρότερον παύσασθαι, πρὶν ἂν ὑμεῖς περὶ αὐτῶν ὅ τι ἂν βούλησθε ψηφίσησθε.

5 Καὶ πρῶτον μὲν ἀνάβητε. Εἰπὲ σὺ ἐμοί, μέτοικος εἶ; Ναί. Μετοικεῖς δὲ πότερον ὡς πεισόμενος

τοῖς νόμοις τοῖς τῆς πόλεως, ἢ ὡς ποιήσων ὅ τι ἂν βούλῃ; Ὡς πεισόμενος. Ἄλλο τι οὖν ἀξιοῖς ἀποθανεῖν, εἴ τι πεποίηκας παρὰ τοὺς νόμους, ἐφ' οἷς θάνατος ἡ ζημία; Ἔγωγε. Ἀπόκριναί δή μοι, εἰ ὁμολογεῖς πλείω σῖτον συμπρίασθαι πεντήκοντα φορμῶν, ὧν ὁ νόμος ἐξεῖναι κελεύει. Ἐγὼ τῶν ἀρχόντων κελευόντων συνεπριάμην.

6 Ἂν μὲν τοίνυν ἀποδείξῃ, ὦ ἄνδρες δικασταί, ὡς ἔστι νόμος ὃς κελεύει τοὺς σιτοπώλας συνωνεῖσθαι τὸν σῖτον, ἂν οἱ ἄρχοντες κελεύωσιν, ἀποψηφίσασθε· εἰ δὲ μή, δίκαιον ὑμᾶς καταψηφίσασθαι. ἡμεῖς γὰρ ὑμῖν παρεσχόμεθα τὸν νόμον, ὃς ἀπαγορεύει μηδένα τῶν ἐν τῇ πόλει πλείω σῖτον πεντήκοντα φορμῶν συνωνεῖσθαι.

7 Χρῆν μὲν τοίνυν, ὦ ἄνδρες δικασταί, ἱκανὴν εἶναι ταύτην τὴν κατηγορίαν, ἐπειδὴ οὗτος μὲν ὁμολογεῖ συμπρίασθαι, ὁ δὲ νόμος ἀπαγορεύων φαίνεται, ὑμεῖς δὲ κατὰ τοὺς νόμους ὀμωμόκατε ψηφιεῖσθαι· ὅμως δ' ἵνα πεισθῆτε ὅτι καὶ κατὰ τῶν ἀρχόντων ψεύδονται, ἀνάγκη καὶ μακρότερον εἰπεῖν περὶ
8 αὐτῶν. ἐπειδὴ γὰρ οὗτοι τὴν αἰτίαν εἰς ἐκείνους ἀνέφερον, παρακαλέσαντες τοὺς ἄρχοντας ἠρωτῶμεν. καὶ οἱ μὲν τέτταρες οὐδὲν ἔφασαν εἰδέναι τοῦ πράγματος, Ἄνυτος δ' ἔλεγεν ὡς τοῦ προτέρου χειμῶνος, ἐπειδὴ τίμιος ἦν ὁ σῖτος, τούτων ὑπερβαλλόντων ἀλλήλους καὶ πρὸς σφᾶς αὐτοὺς μαχομένων συμβουλεύσειεν αὐτοῖς παύσασθαι φιλονεικοῦσιν, ἡγούμενος συμφέρειν ὑμῖν τοῖς παρὰ

τούτων ὠνουμένοις ὡς ἀξιώτατον τούτους πρίασθαι· δεῖν γὰρ αὐτοὺς κἂν ὀβολῷ μόνον πωλεῖν τιμιώ-
9 τερον. ὡς τοίνυν οὐ συμπριαμένους καταθέσθαι ἐκέλευεν αὐτούς, ἀλλὰ μὴ ἀλλήλοις ἀντωνεῖσθαι συνεβούλευεν, αὐτὸν ὑμῖν Ἄνυτον μάρτυρα παρέξομαι, καὶ ὡς οὗτος μὲν ἐπὶ τῆς προτέρας βουλῆς τούτους εἶπε τοὺς λόγους, οὗτοι δὲ τῆτες συνωνούμενοι φαίνονται.

## ΜΑΡΤΥΡΙΑ

10 Ὅτι μὲν τοίνυν οὐχ ὑπὸ τῶν ἀρχόντων κελευσθέντες συνεπρίαντο τὸν σῖτον, ἀκηκόατε· ἡγοῦμαι δ', ἂν ὡς μάλιστα περὶ τούτων ἀληθῆ λέγωσιν, οὐχ ὑπὲρ αὑτῶν αὐτοὺς ἀπολογήσεσθαι, ἀλλὰ τούτων κατηγορήσειν· περὶ γὰρ ὧν εἰσι νόμοι διαρρήδην γεγραμμένοι, πῶς οὐ χρὴ διδόναι δίκην καὶ τοὺς μὴ πειθομένους καὶ τοὺς κελεύοντας τούτοις τἀναντία πράττειν;

11 Ἀλλὰ γάρ, ὦ ἄνδρες δικασταί, οἶομαι αὐτοὺς ἐπὶ μὲν τοῦτον τὸν λόγον οὐκ ἐλεύσεσθαι· ἴσως δ' ἐροῦσιν, ὥσπερ καὶ ἐν τῇ βουλῇ, ὡς ἐπ' εὐνοίᾳ τῆς πόλεως συνεωνοῦντο τὸν σῖτον, ἵν' ὡς ἀξιώτατον ὑμῖν πωλοῖεν. μέγιστον δ' ὑμῖν ἐρῶ καὶ περι-
12 φανέστατον τεκμήριον ὅτι ψεύδονται. ἐχρῆν γὰρ αὐτούς, εἴπερ ὑμῶν ἕνεκα ἔπραττον ταῦτα, φαίνεσθαι τῆς αὐτῆς τιμῆς πολλὰς ἡμέρας πωλοῦντας, ἕως ὁ συνεωνημένος αὐτοὺς ἐπέλιπε· νυνὶ δ' ἐνίοτε τῆς αὐτῆς ἡμέρας ἐπώλουν δραχμῇ τιμιώτερον,

ὥσπερ κατὰ μέδιμνον συνωνούμενοι. καὶ τούτων ὑμῖν μάρτυρας παρέξομαι.

ΜΑΡΤΥΡΕΣ

13 Δεινὸν δέ μοι δοκεῖ εἶναι, εἰ ὅταν μὲν εἰσφορὰν εἰσενεγκεῖν δέῃ, ἣν πάντες εἴσεσθαι μέλλουσιν, οὐκ ἐθέλουσιν, ἀλλὰ πενίαν προφασίζονται, ἐφ' οἷς δὲ θάνατός ἐστιν ἡ ζημία καὶ λαθεῖν αὐτοῖς συνέφερε, ταῦτα ἐπ' εὐνοίᾳ φασὶ τῇ ὑμετέρᾳ παρανομῆσαι. καίτοι πάντες ἐπίστασθε ὅτι τούτοις ἥκιστα προσήκει τοιούτους ποιεῖσθαι λόγους. τἀναντία γὰρ αὐτοῖς καὶ τοῖς ἄλλοις συμφέρει· τότε γὰρ πλεῖστα κερδαίνουσιν, ὅταν κακοῦ τινος ἀπαγγελθέντος τῇ
14 πόλει τίμιον τὸν σῖτον πωλῶσιν. οὕτω δ' ἄσμενοι τὰς συμφορὰς τὰς ὑμετέρας ὁρῶσιν, ὥστε τὰς μὲν πρότεροι τῶν ἄλλων πυνθάνονται, τὰς δ' αὐτοὶ λογοποιοῦσιν, ἢ τὰς ναῦς διεφθάρθαι τὰς ἐν τῷ Πόντῳ, ἢ ὑπὸ Λακεδαιμονίων ἐκπλεούσας συνειλῆφθαι, ἢ τὰ ἐμπόρια κεκλῆσθαι, ἢ τὰς σπονδὰς
15 μέλλειν ἀπορρηθήσεσθαι, καὶ εἰς τοῦτ' ἔχθρας ἐληλύθασιν, ὥστ' ἐν τοῖς αὐτοῖς καιροῖς ἐπιβουλεύουσιν ἡμῖν, ἐν οἷσπερ οἱ πολέμιοι. ὅταν γὰρ μάλιστα σίτου τυγχάνητε δεόμενοι, ἀναρπάζουσιν οὗτοι καὶ οὐκ ἐθέλουσι πωλεῖν, ἵνα μὴ περὶ τῆς τιμῆς διαφερώμεθα, ἀλλ' ἀγαπῶμεν ἂν ὁποσουτινοσοῦν πριάμενοι παρ' αὐτῶν ἀπέλθωμεν· ὥστ' ἐνίοτε εἰρήνης
16 οὔσης ὑπὸ τούτων πολιορκούμεθα. οὕτω δὲ πάλαι περὶ τῆς τούτων πανουργίας καὶ κακονοίας ἡ πόλις

ἔγνωκεν, ὥστ' ἐπὶ μὲν τοῖς ἄλλοις ὠνίοις ἅπασι τοὺς ἀγορανόμους φύλακας κατεστήσατε, ἐπὶ δὲ ταύτῃ μόνῃ τῇ τέχνῃ χωρὶς σιτοφύλακας ἀποκληροῦτε· καὶ πολλάκις ἤδη παρ' ἐκείνων πολιτῶν ὄντων δίκην τὴν μεγίστην ἐλάβετε, ὅτι οὐχ οἷοί τ' ἦσαν τῆς τούτων πονηρίας ἐπικρατῆσαι. καίτοι τί χρὴ αὐτοὺς τοὺς ἀδικοῦντας ὑφ' ὑμῶν πάσχειν, ὁπότε καὶ τοὺς οὐ δυναμένους φυλάττειν ἀποκτείνετε;

17 Ἐνθυμεῖσθαι δὲ χρὴ ὅτι ἀδύνατον ὑμῖν ἐστιν ἀποψηφίσασθαι. εἰ γὰρ ἀπογνώσεσθε ὁμολογούντων αὐτῶν ἐπὶ τοὺς ἐμπόρους συνίστασθαι, δόξεθ' ὑμεῖς ἐπιβουλεύειν τοῖς εἰσπλέουσιν. εἰ μὲν γὰρ ἄλλην τινὰ ἀπολογίαν ἐποιοῦντο, οὐδεὶς ἂν εἶχε τοῖς ἀποψηφισαμένοις ἐπιτιμᾶν· ἐφ' ὑμῖν γὰρ ὁποτέροις βούλεσθε πιστεύειν· νῦν δὲ πῶς οὐ δεινὰ ἂν δόξαιτε ποιεῖν, εἰ τοὺς ὁμολογοῦντας παρανομεῖν

18 ἀζημίους ἀφήσετε; ἀναμνήσθητε δέ, ὦ ἄνδρες δικασταί, ὅτι πολλῶν ἤδη ἐχόντων ταύτην τὴν αἰτίαν καὶ μάρτυρας παρεχομένων θάνατον κατέγνωτε, πιστοτέρους ἡγησάμενοι τοὺς τῶν κατηγόρων λόγους. καίτοι πῶς ἂν οὐ θαυμαστὸν εἴη, εἰ περὶ τῶν αὐτῶν ἁμαρτημάτων δικάζοντες μᾶλλον ἐπιθυμεῖτε παρὰ τῶν ἀρνουμένων δίκην λαμβάνειν;

19 καὶ μὲν δή, ὦ ἄνδρες δικασταί, πᾶσιν ἡγοῦμαι φανερὸν εἶναι ὅτι οἱ περὶ τῶν τοιούτων ἀγῶνες κοινότατοι τυγχάνουσιν ὄντες τοῖς ἐν τῇ πόλει, ὥστε πεύσονται ἥντινα γνώμην περὶ αὐτῶν ἔχετε, ἡγούμενοι, ἂν μὲν θάνατον τούτων καταγνῶτε, κοσμιωτέ-

ρους ἔσεσθαι τοὺς λοιπούς· ἐὰν δ' ἀζημίους ἀφῆτε,
πολλὴν ἄδειαν αὐτοῖς ἐψηφισμένοι ἔσεσθε ποιεῖν
20 ὅ τι ἂν βούλωνται. χρὴ δέ, ὦ ἄνδρες δικασταί,
μὴ μόνον τῶν παρεληλυθότων ἕνεκα αὐτοὺς κολά-
ζειν, ἀλλὰ καὶ παραδείγματος ἕνεκα τῶν μελλόντων
ἔσεσθαι· οὕτω γὰρ ἔσονται μόγις ἀνεκτοί. ἐνθυ-
μεῖσθε δὲ ὅτι ἐκ ταύτης τῆς τέχνης πλεῖστοι περὶ
τοῦ σώματός εἰσιν ἠγωνισμένοι· καὶ οὕτω μεγάλα
ἐξ αὐτῆς ὠφελοῦνται, ὥστε μᾶλλον αἱροῦνται καθ'
ἑκάστην ἡμέραν περὶ τῆς ψυχῆς κινδυνεύειν ἢ
21 παύεσθαι παρ' ὑμῶν ἀδίκως κερδαίνοντες. καὶ μὲν
δὴ οὐδ' ἂν ἀντιβολῶσιν ὑμᾶς καὶ ἱκετεύωσι, δικαίως
ἂν αὐτοὺς ἐλεήσαιτε, ἀλλὰ πολὺ μᾶλλον τῶν τε
πολιτῶν οἳ διὰ τὴν τούτων πονηρίαν ἀπέθνησκον,
καὶ τοὺς ἐμπόρους ἐφ' οὓς οὗτοι συνέστησαν· οἷς
ὑμεῖς χαριεῖσθε καὶ προθυμοτέρους ποιήσετε, δίκην
παρὰ τούτων λαμβάνοντες. εἰ δὲ μή, τίν' αὐτοὺς
οἴεσθε γνώμην ἕξειν, ἐπειδὰν πύθωνται ὅτι τῶν
καπήλων, οἳ τοῖς εἰσπλέουσιν ὡμολόγησαν ἐπιβου-
λεύειν, ἀπεψηφίσασθε;

22 Οὐκ οἶδ' ὅ τι δεῖ πλείω λέγειν· περὶ μὲν γὰρ
τῶν ἄλλων τῶν ἀδικούντων, ὅτου δικάζονται, δεῖ
παρὰ τῶν κατηγόρων πυθέσθαι, τὴν δὲ τούτων
πονηρίαν ἅπαντες ἐπίστασθε. ἂν οὖν τούτων κατα-
ψηφίσησθε, τά τε δίκαια ποιήσετε καὶ ἀξιώτερον
τὸν σῖτον ὠνήσεσθε· εἰ δὲ μή, τιμιώτερον.

# XXIII

## ΚΑΤΑ ΠΑΓΚΛΕΩΝΟΣ ΟΤΙ ΟΥΚ ΗΝ ΠΛΑΤΑΙΕΥΣ

This oration was spoken in answer to Pancleon, a Plataean residing in Athens, who claimed that he had been brought to trial before the wrong court by the plaintiff. Such an objection was called a *παραγραφή*, or demurrer, and had to be removed before the original suit could proceed. The plaintiff, whose name is unknown to us, believing Pancleon to be a metic, had summoned him to trial before the Archon Polemarch, who exercised jurisdiction over cases in which metics were concerned.

The plaintiff shows by making inquiry of various members of the deme and tribe of Attica in which the defendant falsely claimed to be enrolled, and by citing a former case to which the latter had been a party tried before the Polemarch, that he is not a citizen, and therefore that the objection raised in the present case is utterly groundless, and that the trial should proceed as instituted.

The speech consists more of a statement of facts pertinent to the case in hand than of an argument. It is also interesting as affording a glimpse of the daily habits of the people. For example, we learn that people from different places, when they came to town, had certain places of resort. Some, as the Decelēans, frequented a certain barber's shop, others, as the Plataeans, the cheese market, and still others, some other place about the

agora or market place, which was the center of public life in a Greek city.

The oration contains nothing that determines its date. It is thought to have been spoken before 387 B.C.

Πολλὰ μὲν λέγειν, ὦ ἄνδρες δικασταί, περὶ τουτουὶ τοῦ πράγματος οὔτ' ἂν δυναίμην οὔτε μοι δοκεῖ δεῖν· ὡς δὲ ὀρθῶς τὴν δίκην ἔλαχον τουτῳὶ Παγκλέωνι οὐκ ὄντι Πλαταιεῖ, τοῦτο ὑμῖν πειράσομαι ἀποδεῖξαι.

2 Ὡς γὰρ ἀδικῶν με πολὺν χρόνον οὐκ ἐπαύετο, ἐλθὼν ἐπὶ τὸ γναφεῖον, ἐν ᾧ ἠργάζετο, προσεκαλεσάμην αὐτὸν πρὸς τὸν πολέμαρχον, νομίζων μέτοικον εἶναι. εἰπόντος δὲ τούτου ὅτι Πλαταιεὺς εἴη, ἠρόμην ὁπόθεν δημοτεύοιτο, παραινέσαντός τινος τῶν παρόντων προσκαλέσασθαι καὶ πρὸς τὴν φυλήν, ἥστινος εἶναι σκήπτοιτο. ἐπειδὴ δὲ ἀπεκρίνατο ὅτι Δεκελειόθεν, προσκαλεσάμενος αὐτὸν καὶ πρὸς τοὺς τῇ Ἱπποθωντίδι δικάζοντας, ἐλθὼν
3 ἐπὶ τὸ κουρεῖον τὸ παρὰ τοὺς Ἑρμᾶς, ἵνα οἱ Δεκελεῖς προσφοιτῶσιν, ἠρώτων, οὓς τε ἐξευρίσκοιμι Δεκελέων ἐπυνθανόμην εἴ τινα γιγνώσκοιεν Δεκελειόθεν δημοτευόμενον Παγκλέωνα. ἐπειδὴ δὲ οὐδεὶς ἔφασκεν γιγνώσκειν αὐτόν, πυθόμενος ὅτι καὶ ἑτέρας δίκας τὰς μὲν φεύγοι τὰς δ' ὠφλήκοι παρὰ τῷ πολεμάρχῳ, ἔλαχον καὶ ἐγώ.

4 Πρῶτον μὲν οὖν ὑμῖν Δεκελέων οὓς ἠρόμην μάρτυρας παρέξομαι, ἔπειτα δὲ καὶ τῶν ἄλλων τῶν λαχόντων τε δίκας αὐτῷ πρὸς τὸν πολέμαρχον

καὶ καταδικασαμένων, ὅσοι τυγχάνουσι παρόντες. Καί μοι ἐπίλαβε τὸ ὕδωρ.

ΜΑΡΤΥΡΕΣ

5 Ἐκ μὲν τούτων πεισθεὶς πρὸς τὸν πολέμαρχον αὐτῷ τὴν δίκην ἔλαχον· ἐπειδὴ δέ μοι αὐτὴν ἀντεγράψατο μὴ εἰσαγώγιμον εἶναι, περὶ πολλοῦ ποιούμενος μηδενὶ δόξαι ὑβρίζειν βούλεσθαι μᾶλλον ἢ δίκην λαβεῖν ὧν ἠδικήθην, πρῶτον μὲν Εὐθύκριτον, ὃν πρεσβύτατόν τε Πλαταιῶν ἐγίγνωσκον καὶ μάλιστα ᾠόμην εἰδέναι, ἠρόμην εἴ τινα γιγνώσκοι Ἱππαρμοδώρου υἱὸν Παγκλέωνα Πλαταιᾶ·
6 ἔπειτα δέ, ἐπειδὴ ἐκεῖνος ἀπεκρίνατό μοι ὅτι τὸν Ἱππαρμόδωρον μὲν γιγνώσκοι, υἱὸν δὲ ἐκείῳ οὐδένα οὔτε Παγκλέωνα οὔτε ἄλλον οὐδένα εἰδείη ὄντα, ἠρώτων δὴ καὶ τῶν ἄλλων ὅσους ᾔδειν Πλαταιᾶς ὄντας. πάντες οὖν ἀγνοοῦντες τὸ ὄνομα αὐτοῦ, ἀκριβέστατα ἂν ἔφασάν με πυθέσθαι ἐλθόντα εἰς τὸν χλωρὸν τυρὸν τῇ ἔνῃ καὶ νέᾳ· ταύτῃ γὰρ τῇ ἡμέρᾳ τοῦ μηνὸς ἑκάστου ἐκεῖσε συλλέγε-
7 σθαι τοὺς Πλαταιᾶς. ἐλθὼν οὖν εἰς τὸν τυρὸν ταύτῃ τῇ ἡμέρᾳ ἐπυνθανόμην αὐτῶν, εἴ τινα γιγνώσκοιεν Παγκλέωνα πολίτην σφέτερον. καὶ οἱ μὲν ἄλλοι οὐκ ἔφασαν γιγνώσκειν, εἷς δέ τις εἶπεν ὅτι τῶν μὲν πολιτῶν οὐδενὶ εἰδείη τοῦτο ὂν τὸ ὄνομα, δοῦλον μέντοι ἔφη ἑαυτοῦ ἀφεστῶτα εἶναι Παγκλέωνα, τήν τε ἡλικίαν λέγων τὴν τούτου καὶ τὴν
8 τέχνην ἣ οὗτος χρῆται. ταῦτ' οὖν ὡς ἀληθῆ ἐστι,

τόν τε Εὐθύκριτον, ὃν πρῶτον ἠρόμην, καὶ τῶν ἄλλων Πλαταιῶν ὅσοις προσῆλθον, καὐτὸν ὃς ἔφη δεσπότης τούτου εἶναι, μάρτυρας παρέξομαι. Καί μοι ἐπίλαβε τὸ ὕδωρ.

## ΜΑΡΤΥΡΕΣ

9 Ἡμέραις τοίνυν μετὰ ταῦτα οὐ πολλαῖς ὕστερον ἰδὼν ἀγόμενον τουτονὶ Παγκλέωνα ὑπὸ τοῦ Νικομήδους, ὃς ἐμαρτύρησεν αὐτοῦ δεσπότης εἶναι, προσῆλθον βουλόμενος εἰδέναι ὁποῖόν τι περὶ αὐτοῦ πραχθήσοιτο. τότε μὲν οὖν ἐπειδὴ ἐπαύσαντο μαχόμενοι, εἶπόν τινες τῶν τούτῳ παρόντων ὅτι εἴη αὐτῷ ἀδελφὸς ὃς ἐξαιρήσοιτο αὐτὸν εἰς ἐλευθερίαν· ἐπὶ τούτοις ἐγγυησάμενοι παρέξειν εἰς
10 ἀγορὰν ᾤχοντο ἀπιόντες. τῇ δ' ὑστεραίᾳ τῆς τε ἀντιγραφῆς ἕνεκα ταυτησὶ καὶ αὐτῆς τῆς δίκης ἔδοξέ μοι χρῆναι μάρτυρας λαβόντι παραγενέσθαι, ἵν' εἰδείην τόν τ' ἐξαιρησόμενον αὐτὸν καὶ ὅ τι λέγων ἀφαιρήσοιτο. ἐφ' οἷς μὲν οὖν ἐξηγγυήθη, οὔτε ἀδελφὸς οὔτε ἄλλος οὐδεὶς ἦλθε, γυνὴ δὲ φάσκουσα αὐτῆς αὐτὸν εἶναι δοῦλον, ἀμφισβητοῦσα τῷ Νικομήδει, καὶ οὐκ ἔφη ἐάσειν αὐτὸν
11 ἄγειν. ὅσα μὲν οὖν αὐτόθι ἐρρήθη, πολὺς ἂν εἴη μοι λόγος διηγεῖσθαι· εἰς τοῦτο δὲ βιαιότητος ἦλθον οἵ τε παρόντες τούτῳ καὶ αὐτὸς οὗτος, ὥστε ἐθέλοντος μὲν τοῦ Νικομήδους ἐθελούσης δὲ τῆς γυναικὸς ἀφιέναι, εἴ τις ἢ εἰς ἐλευθερίαν τοῦτον ἐξαιροῖτο ἢ ἄγοι φάσκων ἑαυτοῦ δοῦλον εἶναι, τού-

των οὐδὲν ποιήσαντες ἀφελόμενοι ᾤχοντο. ὡς οὖν τῇ τε προτεραίᾳ ἐπὶ τούτοις ἐξηγγυήθη καὶ τότε βίᾳ ᾤχοντο ἀφελόμενοι αὐτόν, μάρτυρας παρέξομαι ὑμῖν. Καί μοι ἐπίλαβε τὸ ὕδωρ.

ΜΑΡΤΥΡΕΣ

12 Ῥᾴδιον τοίνυν εἰδέναι ὅτι οὐδ' αὐτὸς Παγκλέων νομίζει ἑαυτὸν μὴ ὅτι Πλαταιᾶ εἶναι, ἀλλ' οὐδ' ἐλεύθερον. ὅστις γὰρ ἐβουλήθη βίᾳ ἀφαιρεθεὶς ἐνόχους καταστῆσαι τοὺς ἑαυτοῦ ἐπιτηδείους τοῖς βιαίοις μᾶλλον ἢ κατὰ τοὺς νόμους εἰς τὴν ἐλευθερίαν ἐξαιρεθεὶς δίκην λαβεῖν παρὰ τῶν ἀγόντων αὐτόν, οὐδενὶ χαλεπὸν γνῶναι ὅτι εὖ εἰδὼς ἑαυτὸν ὄντα δοῦλον ἔδεισεν ἐγγυητὰς καταστήσας περὶ τοῦ σώματος ἀγωνίσασθαι.

13 Ὅτι μὲν οὖν Πλαταιεὺς εἶναι πολλοῦ δεῖ, οἶμαι ὑμᾶς ἐκ τούτων σχεδόν τι γιγνώσκειν· ὅτι δὲ οὐδ' αὐτός, ὃς ἄριστα οἶδε τὰ αὑτοῦ, ἡγήσατο δόξαι ἂν ὑμῖν Πλαταιεὺς εἶναι, ἐξ ὧν ἔπραξε ῥᾳδίως μαθήσεσθε. ἐν τῇ ἀντωμοσίᾳ γὰρ τῆς δίκης ἣν αὐτῷ ἔλαχεν Ἀριστόδικος οὑτοσί, ἀμφισβητῶν μὴ πρὸς τὸν πολέμαρχον εἶναί οἱ τὰς δίκας διεμαρτυρήθη

14 μὴ Πλαταιεὺς εἶναι, ἐπισκηψάμενος δὲ τῷ μάρτυρι οὐκ ἐπεξῆλθεν, ἀλλ' εἴασε καταδικάσασθαι αὐτοῦ τὸν Ἀριστόδικον. ἐπειδὴ δὲ ὑπερήμερος ἐγένετο, ἐξέτεισε τὴν δίκην, καθ' ὅ τι ἔπειθε. καὶ τούτων, ὡς ἀληθῆ ἐστι, μάρτυρας ἐγὼ παρέξομαι ὑμῖν. Καί μοι ἐπίλαβε τὸ ὕδωρ.

ΜΑΡΤΥΡΕΣ

15 Πρὶν τοίνυν ταῦτα ὁμολογηθῆναι αὐτῷ, δεδιὼς τὸν Ἀριστόδικον, μεταστὰς ἐντεῦθεν Θήβησι μετῴκει. καίτοι οἶμαι εἰδέναι ὑμᾶς ὅτι εἴπερ ἦν Πλαταιεύς, πανταχοῦ μᾶλλον ἢ Θήβησιν εἰκὸς ἦν αὐτόν μετοικῆσαι. ὡς οὖν ἐκεῖ ᾤκει πολὺν χρόνον, τούτων ὑμῖν μάρτυρας παρέξομαι. Καί μοι ἐπίλαβε τὸ ὕδωρ.

ΜΑΡΤΥΡΕΣ

16 Ἐξαρκεῖν μοι νομίζω τὰ εἰρημένα, ὦ ἄνδρες δικασταί· ἐὰν γὰρ διαμνημονεύητε, οἶδ' ὅτι τά τε δίκαια καὶ τἀληθῆ ψηφιεῖσθε, καὶ ἃ ἐγὼ ὑμῶν δέομαι.

# XXIV

## ΠΡΟΣ ΤΗΝ ΕΙΣΑΓΓΕΛΙΑΝ ΠΕΡΙ ΤΟΥ ΜΗ ΔΙΔΟΣΘΑΙ ΤΩΙ ΑΔΥΝΑΤΩΙ ΑΡΓΥΡΙΟΝ

This oration was written by Lysias for the use of a cripple in reply to an enemy who objected to his receiving public aid from the state. There was nothing in ancient Athens resembling our modern organizations for charitable work, yet provision was sometimes made for the assistance of people unable to support themselves. This seems at first to have been limited to old worn-out soldiers, who, through accident or loss of health in the service of their country, had been incapacitated for work. Later it appears to have been extended to others also who could not gain a livelihood by their own efforts. The defendant in the case before us does not seem to have been a soldier, else he would surely have mentioned the fact in the course of his speech.

The applicant for public aid was required to appear before the *βουλή*, or Senate, to pass an examination on his physical condition, and to assure that body that he deserved such assistance. If the Senate satisfied themselves, after an examination, that he merited public help, they granted it to him.

This support was at first an obol (three cents) a day (§§ 13, 26); later, as we learn from Aristotle, two obols (six cents) a day, and was extended to those whose prop-

erty was less than three minae (about $54), throughout a year. If the applicant wished further aid, he was required to present himself again before the Senate for examination, and so on each year, as long as he wished public assistance.

It seems that the defendant in this trial had been granted aid in former years (§ 8), but that now when he again appeared before the Senate to ask for help for another year, some one not mentioned by name objected to his fitness to receive it.

It appears from the speech that there was some ground for the objection raised, and that the law was not rigidly followed in this case, since the defendant had a trade, was able to walk by the aid of sticks, and ride bareback without stirrups. Again, the fact that the applicant treats the objection so flippantly, if not impudently, does not seem to accord well with the manner and tone one would expect from a cripple who is in distress about his means of support.

This oration contains much wit and humor. There is but little pathos in it (§§ 8, 26, 27), such as one would naturally expect to find in a case of this kind. The defendant treats the matter as a mere farce, now and then assuming a somewhat serious, but oftener a ludicrous tone. His very attempts at seriousness are almost funny, while many of his arguments are purposely absurd (§ 23). Indeed, some think that on this very account the oration is not genuine, because, in their judgment, the *βουλή* would not have listened to such a speech, and that Lysias would not have spent his time in composing it. These are points, however, that it is quite impossible for us to settle.

Though the genuineness of the oration was doubted by ancient critics, as it has been by many modern scholars, yet at present it is quite generally admitted among the genuine productions of Lysias. From § 25 we see that it must have been written after the overthrow of the Thirty Tyrants, but its exact date cannot be determined.

Like many other orations of Lysias, it shows clearly the author's skill in drawing character, and in adapting both treatment and language to the needs and station of the speaker.

In it we also learn something of the popular resorts in Athens, and that the most of them were near or in the agora or market place.

This oration is treated by Jebb on p. 249 and by Blass on p. 648 of their respective works.

Οὐ πολλοῦ δέω χάριν ἔχειν, ὦ βουλή, τῷ κατηγόρῳ, ὅτι μοι παρεσκεύασε τὸν ἀγῶνα τουτονί. πρότερον γὰρ οὐκ ἔχων πρόφασιν ἐφ' ἧς τοῦ βίου λόγον δοίην, νυνὶ διὰ τοῦτον εἴληφα. καὶ πειράσομαι τῷ λόγῳ τοῦτον μὲν ἐπιδεῖξαι ψευδόμενον, ἐμαυτὸν δὲ βεβιωκότα μέχρι τῆσδε τῆς ἡμέρας ἐπαίνου μᾶλλον ἄξιον ἢ φθόνου· διὰ γὰρ οὐδὲν ἄλλο μοι δοκεῖ παρασκευάσαι τόνδε μοι τὸν κίνδυ-
2 νον οὗτος ἢ διὰ φθόνον. καίτοι ὅστις τούτοις φθονεῖ οὓς οἱ ἄλλοι ἐλεοῦσι, τίνος ἂν ὑμῖν ὁ τοιοῦτος ἀποσχέσθαι δοκεῖ πονηρίας; εἰ μὲν γὰρ ἕνεκα χρημάτων με συκοφαντεῖ —, εἰ δ' ὡς ἐχθρὸν ἑαυτοῦ με τιμωρεῖται, ψεύδεται· διὰ γὰρ τὴν πονη-

ρίαν αὐτοῦ οὔτε φίλῳ οὔτε ἐχθρῷ πώποτε ἐχρησάμην αὐτῷ. 3 ἤδη τοίνυν, ὦ βουλή, δῆλός ἐστι φθονῶν, ὅτι τοιαύτῃ κεχρημένος συμφορᾷ τούτου βελτίων εἰμὶ πολίτης. καὶ γὰρ οἶμαι δεῖν, ὦ βουλή, τὰ τοῦ σώματος δυστυχήματα τοῖς τῆς ψυχῆς ἐπιτηδεύμασιν ἰᾶσθαι. εἰ γὰρ ἐξ ἴσου τῇ συμφορᾷ καὶ τὴν διάνοιαν ἔξω καὶ τὸν ἄλλον βίον διάξω, τί τούτου διοίσω;

4 Περὶ μὲν οὖν τούτων τοσαῦτά μοι εἰρήσθω· ὑπὲρ ὧν δέ μοι προσήκει λέγειν ὡς ἂν οἷός τ' ὦ διὰ βραχυτάτων ἐρῶ. φησὶ γὰρ ὁ κατήγορος οὐ δικαίως με λαμβάνειν τὸ παρὰ τῆς πόλεως ἀργύριον· καὶ γὰρ τῷ σώματι δύνασθαι καὶ οὐκ εἶναι τῶν ἀδυνάτων, καὶ τέχνην ἐπίστασθαι τοιαύτην 5 ὥστε καὶ ἄνευ τοῦ διδομένου τούτου ζῆν. καὶ τεκμηρίοις χρῆται τῆς μὲν τοῦ σώματος ῥώμης, ὅτι ἐπὶ τοὺς ἵππους ἀναβαίνω, τῆς δ' ἐν τῇ τέχνῃ εὐπορίας, ὅτι δύναμαι συνεῖναι δυναμένοις ἀνθρώποις ἀναλίσκειν. τὴν μὲν οὖν ἐκ τῆς τέχνης εὐπορίαν καὶ τὸν ἄλλον τὸν ἐμὸν βίον, οἷος τυγχάνει, πάντας ὑμᾶς οἶομαι γιγνώσκειν· ὅμως δὲ κἀγὼ διὰ 6 βραχέων ἐρῶ. ἐμοὶ γὰρ ὁ μὲν πατὴρ κατέλιπεν οὐδέν, τὴν δὲ μητέρα τελευτήσασαν πέπαυμαι τρέφων τρίτον ἔτος τουτί, παῖδες δέ μοι οὔπω εἰσὶν οἵ με θεραπεύσουσι. τέχνην δὲ κέκτημαι βραχέα δυναμένην ὠφελεῖν, ἣν αὐτὸς μὲν ἤδη χαλεπῶς ἐργάζομαι, τὸν διαδεξόμενον δ' αὐτὴν οὔπω δύναμαι κτήσασθαι. πρόσοδος δέ μοι οὐκ ἔστιν ἄλλη

πλὴν ταύτης, ἣν ἂν ἀφέλησθέ με, κινδυνεύσαιμ' ἂν
7 ὑπὸ τῇ δυσχερεστάτῃ γενέσθαι τύχῃ. μὴ τοίνυν, ἐπειδή γε ἔστιν, ὦ βουλή, σῶσαί με δικαίως, ἀπολέσητε ἀδίκως· μηδὲ ἃ νεωτέρῳ καὶ μᾶλλον ἐρρωμένῳ ὄντι ἔδοτε, πρεσβύτερον καὶ ἀσθενέστερον γιγνόμενον ἀφέλησθε· μηδὲ πρότερον καὶ περὶ τοὺς οὐδὲν ἔχοντας κακὸν ἐλεημονέστατοι δοκοῦντες εἶναι νυνὶ διὰ τοῦτον τοὺς καὶ τοῖς ἐχθροῖς ἐλεεινοὺς ὄντας ἀγρίως ἀποδέξησθε· μηδ' ἐμὲ τολμήσαντες ἀδικῆσαι καὶ τοὺς ἄλλους τοὺς ὁμοίως ἐμοὶ διακει-
8 μένους ἀθυμῆσαι ποιήσητε. καὶ γὰρ ἂν ἄτοπον εἴη, ὦ βουλή, εἰ ὅτε μὲν ἁπλῆ μοι ἦν ἡ συμφορά, τότε μὲν φαινοίμην λαμβάνων τὸ ἀργύριον τοῦτο, νῦν δ' ἐπειδὴ καὶ γῆρας καὶ νόσοι καὶ τὰ τούτοις ἑπόμενα κακὰ προσγίγνεταί μοι, τότε ἀφαιρεθείην.
9 δοκεῖ δέ μοι τῆς πενίας τῆς ἐμῆς τὸ μέγεθος ὁ κατήγορος ἂν ἐπιδεῖξαι σαφέστατα μόνος ἀνθρώπων. εἰ γὰρ ἐγὼ κατασταθεὶς χορηγὸς τραγῳδοῖς προκαλεσαίμην αὐτὸν εἰς ἀντίδοσιν, δεκάκις ἂν ἕλοιτο χορηγῆσαι μᾶλλον ἢ ἀντιδοῦναι ἅπαξ. καὶ πῶς οὐ δεινόν ἐστι νῦν μέν κατηγορεῖν ὡς διὰ πολλὴν εὐπορίαν ἐξ ἴσου δύναμαι συνεῖναι τοῖς πλουσιωτάτοις, εἰ δὲ ὢν ἐγὼ λέγω τύχοι τι γενόμενον, ὁμολογεῖν ἂν ἐμὲ τοιοῦτον εἶναι καὶ ἔτι πονηρότερον;
10 Περὶ δὲ τῆς ἐμῆς ἱππικῆς, ἧς οὗτος ἐτόλμησε μνησθῆναι πρὸς ὑμᾶς, οὔτε τὴν τύχην δείσας οὔτε ὑμᾶς αἰσχυνθείς, οὐ πολὺς ὁ λόγος. ἐγὼ γὰρ οἶμαι, ὦ βουλή, πάντας τοὺς ἔχοντάς τι δυστύχημα τοῦτο

ζητεῖν καὶ τοῦτο φιλοσοφεῖν, ὅπως ὡς ἀλυπότατα μεταχειριοῦνται τὸ συμβεβηκὸς πάθος. ὧν εἷς ἐγώ, καὶ περιπεπτωκὼς τοιαύτῃ συμφορᾷ ταύτην ἐμαυτῷ ῥᾳστώνην ἐξηῦρον εἰς τὰς ὁδοὺς τὰς μακρο-
11 τέρας τῶν ἀναγκαίων. ὃ δὲ μέγιστον, ὦ βουλή, τεκμήριον ὅτι διὰ τὴν συμφορὰν ἀλλ' οὐ διὰ τὴν ὕβριν, ὡς οὗτός φησιν, ἐπὶ τοὺς ἵππους ἀναβαίνω· εἰ γὰρ ἐκεκτήμην οὐσίαν, ἐπ' ἀστράβης ἂν ὠχούμην, ἀλλ' οὐκ ἐπὶ τοὺς ἀλλοτρίους ἵππους ἀνέβαινον· νυνὶ δ' ἐπειδὴ τοιοῦτον οὐ δύναμαι κτήσασθαι, τοῖς ἀλλοτρίοις ἵπποις ἀναγκάζομαι χρῆσθαι πολ-
12 λάκις. καίτοι πῶς οὐκ ἄτοπόν ἐστιν, ὦ βουλή, τοῦτον ἂν αὐτόν, εἰ μὲν ἐπ' ἀστράβης ὀχούμενον ἑώρα με, σιωπᾶν (τί γὰρ ἂν καὶ ἔλεγεν;), ὅτι δ' ἐπὶ τοὺς ἠτημένους ἵππους ἀναβαίνω, πειρᾶσθαι πείθειν ὑμᾶς ὡς δυνατός εἰμι; καὶ ὅτι μὲν δυοῖν βακτηρίαιν χρῶμαι, τῶν ἄλλων μιᾷ χρωμένων, μὴ κατηγορεῖν ὡς καὶ τοῦτο τῶν δυναμένων ἐστίν, ὅτι δ' ἐπὶ τοὺς ἵππους ἀναβαίνω, τεκμηρίῳ χρῆσθαι πρὸς ὑμᾶς ὡς εἰμὶ τῶν δυναμένων; οἷς ἐγὼ διὰ τὴν αὐτὴν αἰτίαν ἀμφοτέροις χρῶμαι.

13 Τοσοῦτον δὲ διενήνοχεν ἀναισχυντίᾳ τῶν ἁπάντων ἀνθρώπων, ὥστε ὑμᾶς πειρᾶται πείθειν, τοσούτους ὄντας εἷς ὤν, ὡς οὐκ εἰμὶ τῶν ἀδυνάτων ἐγώ. καίτοι εἰ τοῦτο πείσει τινὰς ὑμῶν, ὦ βουλή, τί με κωλύει κληροῦσθαι τῶν ἐννέα ἀρχόντων, καὶ ὑμᾶς ἐμοῦ μὲν ἀφελέσθαι τὸν ὀβολὸν ὡς ὑγιαίνοντος, τούτῳ δὲ ψηφίσασθαι πάντας ὡς ἀναπήρῳ; οὐ

γὰρ δήπου τὸν αὐτὸν ὑμεῖς μὲν ὡς δυνάμενον ἀφαιρήσεσθε τὸ διδόμενον, οἱ δὲ [θεσμοθέται] ὡς
14 ἀδύνατον ὄντα κληροῦσθαι κωλύσουσιν. ἀλλὰ γὰρ οὔτε ὑμεῖς τούτῳ τὴν αὐτὴν ἔχετε γνώμην, οὔθ' οὗτος εὖ φρονῶν. ὃ μὲν γὰρ ὥσπερ ἐπικλήρου τῆς συμφορᾶς οὔσης ἀμφισβητήσων ἥκει καὶ πειρᾶται πείθειν ὑμᾶς ὡς οὐκ εἰμὶ τοιοῦτος οἷον ὑμεῖς ὁρᾶτε πάντες· ὑμεῖς δὲ (ὃ τῶν εὖ φρονούντων ἔργον ἐστί) μᾶλλον πιστεύετε τοῖς ὑμετέροις αὐτῶν ὀφθαλμοῖς ἢ τοῖς τούτου λόγοις.

15 Λέγει δ' ὡς ὑβριστής εἰμι καὶ βίαιος καὶ λίαν ἀσελγῶς διακείμενος, ὥσπερ, εἰ φοβερῶς ὀνομάσειε, μέλλων ἀληθῆ λέγειν, [ἀλλ' οὐκ, ἂν πάνυ πραόνως, ταῦτα ποιήσων. ἐγὼ δ' ὑμᾶς, ὦ βουλή, σαφῶς οἶμαι δεῖν διαγιγνώσκειν οἷς τ' ἐγχωρεῖ τῶν ἀνθρώπων ὑβρισταῖς εἶναι καὶ οἷς οὐ προσήκει.
16 οὐ γὰρ τοὺς πενομένους καὶ λίαν ἀπόρως διακειμένους ὑβρίζειν εἰκός, ἀλλὰ τοὺς πολλῷ πλείω τῶν ἀναγκαίων κεκτημένους· οὐδὲ τοὺς ἀδυνάτους τοῖς σώμασιν ὄντας, ἀλλὰ τοὺς μάλιστα πιστεύοντας ταῖς αὑτῶν ῥώμαις· οὐδὲ τοὺς ἤδη προβεβηκότας τῇ ἡλικίᾳ, ἀλλὰ τοὺς ἔτι νέους καὶ νέαις ταῖς
17 διανοίαις χρωμένους. οἱ μὲν γὰρ πλούσιοι τοῖς χρήμασιν ἐξωνοῦνται τοὺς κινδύνους, οἱ δὲ πένητες ὑπὸ τῆς παρούσης ἀπορίας σωφρονεῖν ἀναγκάζονται· καὶ οἱ μὲν νέοι συγγνώμης ἀξιοῦνται τυγχάνειν παρὰ τῶν πρεσβυτέρων, τοῖς δὲ πρεσβυτέροις ἐξαμαρτάνουσιν ὁμοίως ἐπιτιμῶσιν ἀμφό-

18 τεροι· καὶ τοῖς μὲν ἰσχυροῖς ἐγχωρεῖ μηδὲν αὐτοῖς πάσχουσιν, οὓς ἂν βουληθῶσιν, ὑβρίζειν, τοῖς δὲ ἀσθενέσιν οὐκ ἔστιν οὔτε ὑβριζομένοις ἀμύνεσθαι τοὺς ὑπάρξαντας οὔτε ὑβρίζειν βουλομένοις περιγίγνεσθαι τῶν ἀδικουμένων. ὥστε μοι δοκεῖ ὁ κατήγορος εἰπεῖν περὶ τῆς ἐμῆς ὕβρεως οὐ σπουδάζων, ἀλλὰ παίζων, οὐδ' ὑμᾶς πεῖσαι βουλόμενος ὡς εἰμὶ τοιοῦτος, ἀλλ' ἐμὲ κωμῳδεῖν βουλόμενος, ὥσπερ τι καλὸν ποιῶν.

19 Ἔτι δὲ καὶ συλλέγεσθαί φησιν ἀνθρώπους ὡς ἐμὲ πονηροὺς καὶ πολλούς, οἳ τὰ μὲν ἑαυτῶν ἀνηλώκασι, τοῖς δὲ τὰ σφέτερα σῴζειν βουλομένοις ἐπιβουλεύουσιν. ὑμεῖς δὲ ἐνθυμήθητε πάντες ὅτι ταῦτα λέγων οὐδὲν ἐμοῦ κατηγορεῖ μᾶλλον ἢ τῶν ἄλλων ὅσοι τέχνας ἔχουσιν, οὐδὲ τῶν ὡς ἐμὲ εἰσιόντων μᾶλλον ἢ τῶν ὡς τοὺς ἄλλους δημιουργούς.

20 ἕκαστος γὰρ ὑμῶν εἴθισται προσφοιτᾶν ὃ μὲν πρὸς μυροπώλιον, ὃ δὲ πρὸς κουρεῖον, ὃ δὲ πρὸς σκυτοτομεῖον, ὃ δ' ὅποι ἂν τύχῃ, καὶ πλεῖστοι μὲν ὡς τοὺς ἐγγυτάτω τῆς ἀγορᾶς κατεσκευασμένους, ἐλάχιστοι δὲ ὡς τοὺς πλεῖστον ἀπέχοντας αὐτῆς· ὥστ' εἴ τις ὑμῶν πονηρίαν καταγνώσεται τῶν ὡς ἐμὲ εἰσιόντων, δῆλον ὅτι καὶ τῶν παρὰ τοῖς ἄλλοις διατριβόντων· εἰ δὲ κἀκείνων, ἁπάντων Ἀθηναίων· ἅπαντες γὰρ εἴθισθε προσφοιτᾶν καὶ διατρίβειν ἁμοῦ γέ που.

21 Ἀλλὰ γὰρ οὐκ οἶδ' ὅ τι δεῖ λίαν μέ ἀκριβῶς ἀπολογούμενον πρὸς ἓν ἕκαστον ὑμῖν τῶν εἰρημέ-

νων ἐνοχλεῖν πλείω χρόνον. εἰ γὰρ ὑπὲρ τῶν μεγίστων εἴρηκα, τί δεῖ περὶ τῶν ὁμοίως τούτῳ φαύλων σπουδάζειν; ἐγὼ δ' ὑμῶν, ὦ βουλή, δέομαι πάντων τὴν αὐτὴν ἔχειν περὶ ἐμοῦ διάνοιαν, ἥνπερ
22 καὶ πρότερον. μηδ' οὗ μόνου μεταλαβεῖν ἔδωκεν ἡ τύχη μοι τῶν ἐν τῇ πατρίδι, τούτου διὰ τουτονὶ ἀποστερήσητέ με· μηδ' ἃ πάλαι κοινῇ πάντες ἔδοτέ μοι, νῦν οὗτος εἷς ὢν πείσῃ πάλιν ὑμᾶς ἀφελέσθαι. ἐπειδὴ γάρ, ὦ βουλή, τῶν μεγίστων ἀρχῶν ὁ δαίμων ἀπεστέρησεν ἡμᾶς, ἡ πόλις ἡμῖν ἐψηφίσατο τοῦτο τὸ ἀργύριον, ἡγουμένη κοινὰς εἶναι τὰς τύχας τοῖς ἅπασι καὶ τῶν κακῶν καὶ τῶν
23 ἀγαθῶν. πῶς οὖν οὐκ ἂν δειλαιότατος εἴην, εἰ τῶν μὲν καλλίστων καὶ μεγίστων διὰ τὴν συμφορὰν ἀπεστερημένος εἴην, ἃ δ' ἡ πόλις ἔδωκε προνοηθεῖσα τῶν οὕτως διακειμένων, διὰ τὸν κατήγορον ἀφαιρεθείην; μηδαμῶς, ὦ βουλή, ταύτῃ θῆσθε τὴν ψῆφον. διὰ τί γὰρ ἂν καὶ τύχοιμι τοιούτων
24 ὑμῶν; πότερον ὅτι δι' ἐμέ τις εἰς ἀγῶνα πώποτε καταστὰς ἀπώλεσε τὴν οὐσίαν; ἀλλ' οὐδ' ἂν εἷς ἀποδείξειεν. ἀλλ' ὅτι πολυπράγμων εἰμὶ καὶ θρασὺς καὶ φιλαπεχθήμων; ἀλλ' οὐ τοιαύταις ἀφορ-
25 μαῖς τοῦ βίου τυγχάνω χρώμενος. ἀλλ' ὅτι λίαν ὑβριστὴς καὶ βίαιος; ἀλλ' οὐδ' ἂν αὐτὸς φήσειεν, εἰ μὴ βούλοιτο καὶ τοῦτο ψεύδεσθαι τοῖς ἄλλοις ὁμοίως. ἀλλ' ὅτι ἐπὶ τῶν τριάκοντα γενόμενος ἐν δυνάμει κακῶς ἐποίησα πολλοὺς τῶν πολιτῶν; ἀλλὰ μετὰ τοῦ ὑμετέρου πλήθους ἔφυγον εἰς Χαλ-

κίδα, καὶ ἐξόν μοι μετ' ἐκείνων ἀδεῶς πολιτεύεσθαι μεθ' ὑμῶν εἱλόμην κινδυνεύειν ἁπάντων.
26 μὴ τοίνυν, ὦ βουλή, μηδὲν ἡμαρτηκὼς ὁμοίων ὑμῶν τύχοιμι τοῖς πολλὰ ἠδικηκόσιν, ἀλλὰ τὴν αὐτὴν ψῆφον θέσθε περὶ ἐμοῦ ταῖς ἄλλαις βουλαῖς, ἀναμνησθέντες ὅτι οὔτε χρήματα διαχειρίσας τῆς πόλεως δίδωμι λόγον αὐτῶν, οὔτε ἀρχὴν ἄρξας οὐδεμίαν εὐθύνας ὑπέχω νῦν αὐτῆς, ἀλλὰ περὶ
27 ὀβολοῦ μόνον ποιοῦμαι τοὺς λόγους. καὶ οὕτως ὑμεῖς μὲν τὰ δίκαια γνώσεσθε πάντες, ἐγὼ δὲ τούτων ὑμῖν τυχὼν ἕξω τὴν χάριν, οὗτος δὲ τοῦ λοιποῦ μαθήσεται μὴ τοῖς ἀσθενεστέροις ἐπιβουλεύειν ἀλλὰ τῶν ὁμοίων αὐτῷ περιγίγνεσθαι.

# XXVIII

## ΚΑΤΑ ΕΡΓΟΚΛΕΟΤΣ ΕΠΙΛΟΓΟΣ

This speech was pronounced before the Senate against one Ergocles for extortion. In 390 B.C. the Athenians, becoming uneasy over the naval successes of Sparta in the Aegēan sea, determined, if possible, to check her further ascendency in that region. Accordingly, they fitted out a squadron of forty triremes, and sent it with Thrasybūlus, as chief commander, to strengthen their hold on the Asiatic coast and the islands of the Aegean. The fleet first went to the Hellespont. There Thrasybulus remained for some time, collecting money from the Greek cities in Thrace, and reconciling hostile princes to one another and to Athens. The Athenians becoming impatient, and growing suspicious of the officers of the fleet, ordered them to come back to Athens at once and render an account of the money that they had collected in Thrace. Thrasybulus, urged by Ergocles to disregard the order, did so, for the time being, at least. He at once proceeded to take Byzantium and sold to the inhabitants of that city the right to collect toll of grain vessels passing in and out of her harbor. In 389 B.C. he went with his fleet to the island of Lesbos, where he gained several important victories over the Spartans. He then cruised along the Asiatic coast and collected money from various states, till he reached the mouth of the

river Eurymedon. About seven or eight miles up this stream was a town by the name of Aspendus. Thither he went with his troops to demand money from the inhabitants. It appears that while there his soldiers by their lawlessness gave great offense to the residents of the town, who consequently made a raid upon their camp at night. In the mêlée that followed, Thrasybulus was killed.

The Athenians, on hearing this news, elected as the successor of Thrasybulus, Agyrrius, and sent him to bring the ships home. It was reported that the vessels were worn out, that the money collected from the various places visited had been embezzled, and that the officers had proved dishonest and untrustworthy. Consequently they were summoned home to trial at the hands of an angry people. Thrasybulus was killed, as already stated, in Asia Minor. The speaker in this oration considers his death fortunate, in that, having served his country so well in former days, he was thus saved from the ignominious end that no doubt would have followed his impeachment and trial. The other officers were immediately called to account.

They were tried by a committee especially appointed by the Senate, called public prosecutors (*συνήγοροι*). Ergocles was one of these dishonest officers brought to trial. Several speeches had already been made against him by various members of the committee dealing with the evidence of guilt. The speech before us was the last one spoken in his case by the prosecution. Hence the word *ἐπίλογος* (peroration) in the title. It is a forcible recapitulation of the facts as discussed by the other orators. The speaker mentions the disappointed

hopes of the Athenians at the beginning of the expedition, the bad advice that Ergocles gave Thrasybulus, the embezzlement of the money collected on their cruise, and the disgrace to the state if an acquittal is granted. After thus arousing the feelings of his listeners by the rehearsal of these provoking facts, he makes an earnest, passionate appeal for the conviction and punishment of the accused. Ergocles, as we learn from the speech against Philocrates (§ 2), was convicted. His property was confiscated, while he himself was condemned to die. Whether or not he succeeded in getting his sentence changed it is impossible to state definitely. It is thought by some that he did, as Demosthenes in one of his orations (Fals. Leg. 398) mentions an Ergocles who had been heavily fined.

The oration, though short, is characterized by much vigor and compactness. Its date in all probability is 389 B.C. See Jebb, p. 215.

Τὰ μὲν κατηγορημένα οὕτως ἐστὶ πολλὰ καὶ δεινά, ὦ ἄνδρες Ἀθηναῖοι, ὥστε οὐκ ἄν μοι δοκεῖ δύνασθαι Ἐργοκλῆς ὑπὲρ ἑνὸς ἑκάστου τῶν πεπραγμένων αὐτῷ πολλάκις ἀποθανὼν δοῦναι δίκην ἀξίαν τῷ ὑμετέρῳ πλήθει. καὶ γὰρ πόλεις προδεδωκὼς φαίνεται, καὶ προξένους καὶ πολίτας ὑμετέρους ἠδικηκώς, καὶ ἐκ πένητος ἐκ τῶν ὑμετέρων
2 πλούσιος γεγενημένος. καίτοι πῶς αὐτοῖς χρὴ συγγνώμην ἔχειν, ὅταν ὁρᾶτε τὰς μὲν ναῦς, ὧν ἦρχον οὗτοι, δι' ἀπορίαν χρημάτων καταλυομένας καὶ ἐκ πολλῶν ὀλίγας γινομένας, τούτους δὲ πένητας

καὶ ἀπόρους ἐκπλεύσαντας οὕτω ταχέως πλείστην τῶν πολιτῶν οὐσίαν κεκτημένους; ὑμέτερον τοίνυν ἔργον ἐστίν, ὦ ἄνδρες Ἀθηναῖοι, ἐπὶ τοῖς τοιούτοις
3 ὀργίζεσθαι· καὶ γὰρ δὴ δεινὸν ἂν εἴη, εἰ νῦν μὲν οὕτως αὐτοὶ πιεζόμενοι ταῖς εἰσφοραῖς συγγνώμην τοῖς κλέπτουσι καὶ τοῖς δωροδοκοῦσιν ἔχοιτε, ἐν δὲ τῷ τέως χρόνῳ, καὶ τῶν οἴκων τῶν ὑμετέρων μεγάλων ὄντων καὶ τῶν δημοσίων προσόδων μεγάλων οὐσῶν, θανάτῳ ἐκολάζετε τοὺς τῶν ὑμετέρων
4 ἐπιθυμοῦντας. οἶμαι δ' ἔγωγε πάντας ὑμᾶς ὁμολογῆσαι, εἰ ὑμῖν Θρασύβουλος ἐπηγγέλλετο τριήρεις ἔχων ἐκπλεύσεσθαι καὶ ταύτας παλαιὰς ἀντὶ καινῶν παραδώσειν, καὶ τοὺς μὲν κινδύνους ὑμετέρους ἔσεσθαι, τὰς δ' ὠφελείας τῶν αὐτοῦ φίλων, καὶ ὑμᾶς μὲν διὰ τὰς εἰσφορὰς πενεστέρους ἀποδείξειν, Ἐργοκλέα δὲ καὶ τοὺς κόλακας τοὺς αὐτοῦ πλουσιω-
5 τάτους τῶν πολιτῶν ποιήσειν, οὐδένα ἂν ὑμῶν ἐπιτρέψαι τὰς ναῦς ἐκεῖνον ἔχοντα ἐκπλεῦσαι. ἄλλως τε καὶ ἐπειδὴ τάχιστα ὑμεῖς ἐψηφίσασθε τὰ χρήματα ἀπογράψαι τὰ ἐκ τῶν πόλεων εἰλημμένα καὶ τοὺς ἄρχοντας τοὺς μετ' ἐκείνου καταπλεῖν εὐθύνας δώσοντας, Ἐργοκλῆς ἔλεγεν ὡς ἤδη συκοφαντεῖτε καὶ τῶν ἀρχαίων νόμων ἐπιθυμεῖτε, καὶ Θρασυβούλῳ συνεβούλευε Βυζάντιον καταλαβεῖν καὶ τὰς ναῦς ἔχειν καὶ τὴν Σεύθου θυγατέρα γαμεῖν·
6 "ἵνα αὐτῶν ἐκκόψῃς" ἔφη "τὰς συκοφαντίας· ποιήσεις γὰρ αὐτοὺς οὐκ ἐπιβουλεύοντας σοὶ καθῆσθαι καὶ τοῖς σοῖς φίλοις, ἀλλὰ περὶ αὑτῶν δεδιέ-

ναι." οὕτως, ὦ ἄνδρες Ἀθηναῖοι, ἐπειδὴ τάχιστα ἐνέπλητο καὶ τῶν ὑμετέρων ἀπέλαυσαν, ἀλλοτρίους
7 τῆς πόλεως ἑαυτοὺς ἡγήσαντο. ἅμα γὰρ πλουτοῦσι καὶ ὑμᾶς μισοῦσι, καὶ οὐκέτι ὡς ἀρξόμενοι παρασκευάζονται ἀλλ' ὡς ὑμῶν ἄρξοντες, καὶ δεδιότες ὑπὲρ ὧν ὑφῄρηνται ἕτοιμοί εἰσι καὶ χωρία καταλαμβάνειν καὶ ὀλιγαρχίαν καθιστάναι καὶ πάντα πράττειν, ὅπως ὑμεῖς ἐν τοῖς δεινοτάτοις κινδύνοις καθ' ἑκάστην ἡμέραν ἔσεσθε· οὕτως γὰρ ἡγοῦνται οὐκέτι τοῖς σφετέροις αὐτῶν ἁμαρτήμασι τὸν νοῦν ὑμᾶς προσέξειν, ἀλλ' ὑπὲρ ὑμῶν αὐτῶν καὶ τῆς πόλεως ὀρρωδοῦντας ἡσυχίαν πρὸς τού-
8 τους ἕξειν. Θρασύβουλος μὲν οὖν, ὦ ἄνδρες Ἀθηναῖοι, (οὐδὲν γὰρ δεῖ περὶ αὐτοῦ πλείω λέγειν) καλῶς ἐποίησεν οὕτως τελευτήσας τὸν βίον· οὐ γὰρ ἔδει αὐτὸν οὔτε ζῆν τοιούτοις ἔργοις ἐπιβουλεύοντα, οὔθ' ὑφ' ὑμῶν ἀποθανεῖν ἤδη τι δοκοῦντα ὑμᾶς ἀγαθὸν πεποιηκέναι, ἀλλὰ τοιούτῳ τρόπῳ
9 τῆς πόλεως ἀπαλλαγῆναι. ὁρῶ δ' αὐτοὺς διὰ τὴν πρώην ἐκκλησίαν οὐκέτι φειδομένους τῶν χρημάτων, ἀλλ' ὠνουμένους τὰς αὑτῶν ψυχὰς καὶ παρὰ τῶν λεγόντων καὶ παρὰ τῶν ἐχθρῶν καὶ παρὰ τῶν πρυτάνεων, καὶ πολλοὺς Ἀθηναίων ἀργυρίῳ διαφθείρειν. ὑπὲρ ὧν ὑμῖν ἄξιόν ἐστιν ἀπολογήσασθαι παρὰ τούτου νῦν δίκην λαβοῦσι, καὶ πᾶσιν ἀνθρώποις ἐπιδεῖξαι ὅτι οὐκ ἔστι τοσαῦτα χρήματα, ὧν ὑμεῖς ἠττήσεσθε ὥστε μὴ τιμωρεῖσθαι τοὺς ἀδι-
10 κοῦντας. ἐνθυμεῖσθε γάρ, ὦ ἄνδρες Ἀθηναῖοι,

ὅτι οὐκ Ἐργοκλῆς μόνος κρίνεται, ἀλλὰ καὶ ἡ πόλις ὅλη. νυνὶ γὰρ τοῖς ἄρχουσι τοῖς ὑμετέροις ἐπιδείξετε πότερον χρὴ δικαίοις εἶναι, ἢ ὡς πλεῖστα τῶν ὑμετέρων ὑφελομένοις τῷ αὐτῷ τρόπῳ τὴν σωτηρίαν παρασκευάζεσθαι, ᾧπερ οὗτοι νυνὶ πειρῶνται. καίτοι εὖ εἰδέναι χρή, ὦ ἄνδρες Ἀθηναῖοι·
11 ὅστις ἐν τοσαύτῃ ἀπορίᾳ τῶν ὑμετέρων πραγμάτων ἢ πόλεις προδίδωσιν ἢ χρήματα κλέπτειν ἢ δωροδοκεῖν ἀξιοῖ, οὗτος καὶ τὰ τείχη καὶ τὰς ναῦς τοῖς πολεμίοις παραδίδωσι καὶ ὀλιγαρχίαν ἐκ δημοκρατίας καθίστησιν· ὥστ' οὐκ ἄξιον ὑμῖν τῆς τούτων παρασκευῆς ἡττᾶσθαι, ἀλλὰ παράδειγμα πᾶσιν ἀνθρώποις ποιῆσαι καὶ μήτε κέρδος μήτε ἔλεον μήτ' ἄλλο μηδὲν περὶ πλείονος ποιήσασθαι τῆς τούτων τιμωρίας.

12 Οἶμαι δ' Ἐργοκλέα, ὦ ἄνδρες Ἀθηναῖοι, περὶ μὲν Ἀλικαρνασσοῦ καὶ περὶ τῆς ἀρχῆς καὶ περὶ τῶν αὐτῷ πεπραγμένων οὐκ ἐπιχειρήσειν ἀπολογεῖσθαι, ἐρεῖν δὲ ὡς ἀπὸ Φυλῆς κατῆλθε καὶ ὡς δημοτικός ἐστι καὶ ὡς τῶν κινδύνων τῶν ὑμετέρων μετέσχεν. ἐγὼ δέ, ὦ ἄνδρες Ἀθηναῖοι, οὐ τὴν
13 αὐτὴν γνώμην ἔχω περὶ τῶν τοιούτων· ἀλλ' ὅσοι μὲν ἐλευθερίας καὶ τοῦ δικαίου ἐπιθυμοῦντες καὶ τοὺς νόμους ἰσχύειν βουλόμενοι καὶ τοὺς ἀδικοῦντας μισοῦντες τῶν ὑμετέρων κινδύνων μετέσχον, οὐ πονηροὺς εἶναι πολίτας, οὐδὲ ἀδίκως τούτοις φημὶ ἂν εἶναι ὑπόλογον τὴν ἐκείνων φυγήν· ὅσοι δὲ κατελθόντες ἐν δημοκρατίᾳ τὸ μὲν ὑμέτερον πλῆθος

ἀδικοῦσι, τοὺς δὲ ἰδίους οἴκους ἐκ τῶν ὑμετέρων μεγάλους ποιοῦσι, πολὺ μᾶλλον αὐτοῖς προσήκει
14 ὀργίζεσθαι ἢ τοῖς τριάκοντα. οἱ μὲν γὰρ ἐπὶ τοῦτ' ἐχειροτονήθησαν, ἵνα κακῶς, εἴ πῃ δύναιντο, ὑμᾶς ποιήσειαν· τούτοις δ' ὑμᾶς αὐτοὺς ἐπετρέψατε, ὡς μεγάλην καὶ ἐλευθέραν τὴν πόλιν ποιήσωσιν· ὧν ὑμῖν οὐδὲν ἀποβέβηκεν, ἀλλὰ τὸ ἐπὶ τούτοις εἶναι ἐν τοῖς δεινοτάτοις κινδύνοις καθεστήκατε, ὥστε πολὺ ἂν δικαιότερον ὑμᾶς αὐτοὺς ἢ τούτους ἐλεοῖτε, καὶ τοὺς ὑμετέρους παῖδας καὶ γυναῖκας, ὅτι ὑπὸ
15 τοιούτων ἀνδρῶν λυμαίνεσθε. ὅταν γὰρ ἡγησώμεθα σωτηρίας ἀντειλῆφθαι, δεινότερα ὑπὸ τῶν ἡμετέρων ἀρχόντων πάσχομεν ἢ ὑπὸ τῶν πολεμίων. καίτοι πάντες ἐπίστασθε ὅτι οὐδεμία ἐλπὶς σωτηρίας ὑμῖν δυστυχήσασιν. ὥστε ἄξιον ὑμᾶς παρακελευσαμένους ὑμῖν αὐτοῖς παρὰ τούτων νυνὶ τὴν μεγίστην δίκην λαβεῖν, καὶ τοῖς ἄλλοις Ἕλλησιν ἐπιδεῖξαι ὡς τοὺς ἀδικοῦντας τιμωρεῖσθε, καὶ τοὺς ὑμετέρους
16 ἄρχοντας βελτίους ποιήσετε. ἐγὼ μὲν οὖν ταῦθ' ὑμῖν παρακελεύομαι· ὑμᾶς δὲ χρὴ εἰδέναι ὅτι, ἂν μὲν ἐμοὶ πεισθῆτε, εὖ περὶ αὑτῶν βουλεύσεσθε, εἰ δὲ μή, χείροσι τοῖς ἄλλοις πολίταις χρήσεσθε. ἔτι δέ, ὦ ἄνδρες Ἀθηναῖοι, ἂν αὐτῶν ἀποψηφίσησθε, οὐδεμίαν ὑμῖν εἴσονται χάριν, ἀλλὰ τοῖς ἀνηλωμένοις καὶ τοῖς χρήμασιν οἷς ὑφῄρηνται· ὥστε τὴν μὲν ἔχθραν ὑμῖν αὐτοῖς καταλείψετε, τῆς δὲ
17 σωτηρίας ἐκείνοις εἴσονται χάριν. καὶ μὲν δή, ὦ ἄνδρες Ἀθηναῖοι, καὶ οἱ Ἁλικαρνασσεῖς καὶ οἱ

ἄλλοι οἱ ὑπὸ τούτων ἠδικημένοι, ἂν μὲν παρὰ τούτων τὴν μεγίστην δίκην λάβητε, νομιοῦσιν ὑπὸ τούτων μὲν ἀπολωλέναι, ὑμᾶς δὲ αὐτοῖς βεβοηθηκέναι· ἐὰν δὲ τούτους σώσητε, ἡγήσονται καὶ ὑμᾶς ὁμογνώμονας γεγονέναι τοῖς αὐτοὺς προδεδωκόσιν. ὥστ᾽ ἄξιον τούτων ἁπάντων ἐνθυμηθέντας ἅμα τοῖς τε φιλοις τοῖς ὑμετέροις ἀποδοῦναι χάριν καὶ παρὰ τῶν ἀδικούντων τὴν δίκην λαβεῖν.

# XXIX

## ΚΑΤΑ ΦΙΛΟΚΡΑΤΟΥΣ ΕΠΙΛΟΓΟΣ

The oration Against Philocrates forms a sequel to that Against Ergocles. Ergocles had been condemned to death and his property confiscated. Thirty talents, however, that he had got by unfair means, could not be found. The question naturally arose as to where that money was. A man by the name of Philocrates, it was known, had sailed with Ergocles, in the capacity of purser. Hence it was concluded that he must know something about the missing talents. Accordingly, he was brought to trial. The following speech, like that Against Ergocles, was the last of several addresses by the public prosecutors (*συνήγοροι*), and hence is characterized by the word *ἐπίλογος* (peroration), in the title.

The other prosecutors had discussed the evidence in the case, while the present speaker devoted himself to a recapitulation of what had already been said, and made an urgent plea for conviction It is brief, compact, and vigorous in style. Its date is probably 389 B.C. See Jebb, p. 235.

*Ὁ μὲν ἀγὼν οὗτος, ὦ ἄνδρες δικασταί, ἐρημότερος γεγένηται ἢ ἐγὼ προσεδόκων. πολλοὶ γὰρ ἦσαν οἱ ἀπειλοῦντες καὶ οἱ φάσκοντες Φιλοκράτους κατηγορήσειν· ὧν οὐδεὶς νυνὶ φαίνεται. ὃ κἀμοὶ*

δοκεῖ οὐδενὸς ἔλαττον εἶναι τεκμήριον τῆς ἀπογραφῆς ὅτι ἀληθὴς οὖσα τυγχάνει· εἰ γὰρ μὴ πολλὰ τῶν Ἐργοκλέους εἶχε χρημάτων, οὐκ ἂν οὕτως οἷός τ' ἦν ἀπαλλάξαι τοὺς κατηγόρους. ἐγὼ
2 δέ, ὦ ἄνδρες δικασταί, πάντας ὑμᾶς ἡγοῦμαι εἰδέναι ὅτι Ἐργοκλέους διὰ τοῦτο ὑμεῖς θάνατον κατεχειροτονήσατε, ὅτι κακῶς διαθεὶς τὰ τῆς πόλεως πλέον ἢ τριάκοντα ταλάντων οὐσίαν ἐκτήσατο. καὶ τούτων τῶν χρημάτων οὐδὲν ἐν τῇ πόλει φαίνεται. καίτοι ποῖ χρὴ τραπέσθαι ἢ πῇ ζητῆσαι τὰ χρήματα; εἰ γὰρ παρὰ τοῖς κηδεσταῖς καὶ οἷς ἐκεῖνος οἰκειότατ' ἀνθρώπων ἐχρῆτο μὴ φανήσεται, χαλεπῶς
3 παρὰ τοῖς ἐχθροῖς εὑρεθήσεται. τίνα δὲ Ἐργοκλῆς περὶ πλείονος Φιλοκράτους ἐποιεῖτο, ἢ πρὸς τίν' ἀνθρώπων διέκειτο οἰκειότερον; οὐ τῶν μὲν ὑμετέρων πωλητὴν αὐτὸν ἐξήγαγε, τῶν δ' αὐτοῦ χρημάτων ταμίαν ἐποίησε, καὶ τὸ τελευταῖον τριήραρχον
4 αὐτὸν κατέστησε; καίτοι δεινὸν εἰ οἱ μὲν τὰς οὐσίας ἔχοντες ὀλοφυροῦνται τριηραρχοῦντες, οὗτος δὲ οὐδὲν πρότερον κεκτημένος ἐν ἐκείνῳ τῷ χρόνῳ ἐθελοντὴς ὑπέστη ταύτην τὴν λῃτουργίαν. οὐκοῦν δὴ οὐχ ὡς ζημιωθησόμενον αὐτὸν τριήραρχον κατέστησεν, ἀλλ' ὡς ὠφεληθησόμενον καὶ φυλάξοντα τὰ αὑτοῦ χρήματα, οὐκ ἔχων ὅτῳ χρὴ μᾶλλον τού-
5 του πιστεῦσαι· ἡγοῦμαι δέ, ὦ ἄνδρες δικασταί, Φιλοκράτει δύο εἶναι καὶ μόνας ἀπολογίας· προσήκειν γὰρ αὐτῷ ἀποδεῖξαι ἢ ἑτέρους ἔχοντας τὰ Ἐργοκλέους χρήματα, ἢ ἀδίκως ἀπολωλότα ἐκεῖ-

νον καὶ οὐδὲν ὑφῃρημένον τῶν ὑμετέρων οὐδὲ δεδωροδοκηκότα· εἰ δὲ τούτων μηδέτερον ποιήσει, δεδόχθαι καταψηφίζεσθαι, καὶ μὴ τοῖς μὲν παρὰ τῶν ἄλλων λαμβάνουσιν ὀργίζεσθαι, τοῖς δὲ τὰ ὑμέτερ' αὐτῶν ἔχουσι συγγνώμην ἔχειν.

6 Τίς δ' οὐκ οἶδεν Ἀθηναίων τρία τάλαντα περὶ Ἐργοκλέους μεσεγγυηθέντα τοῖς λέγουσιν, εἰ δύναιντο αὐτὸν σῶσαι καὶ μὴ κατηγορεῖν; οἳ ἐπειδὴ ἑώρων τὴν ὑμετέραν ὀργὴν τιμωρεῖσθαι βουλομένων, ἡσυχίαν ἦγον καὶ οὐκ ἐτόλμων σφᾶς αὐτοὺς φανεροὺς ποιῆσαι. καὶ τὸ μὲν πρῶτον οὗτος οὐ κομιζόμενος παρ' αὐτῶν τὰ χρήματα μηνύειν ἔφη
7 τῇ πόλει· ἐπειδὴ δὲ καὶ ταῦτα ἀπείληφε καὶ τῶν ἄλλων τῶν ἐκείνου κύριος γεγένηται, εἰς τοῦτο τόλμης ἐλήλυθεν, ὥστε μάρτυρας πεπόρισται οἳ μαρτυρήσουσιν αὐτῷ ὡς ἦν ἔχθιστος ἁπάντων ἀνθρώπων Ἐργοκλεῖ. καίτοι οἴεσθ' ἂν αὐτόν, ὦ ἄνδρες δικασταί, εἰς τοῦτο μανίας ἀφικέσθαι, ὥστε Θρασυβούλου στρατηγοῦντος καὶ Ἐργοκλέους αὐτῷ διαφερομένου ἐθελοντὴν ὑποστῆναι τριηραρχίαν; πῶς γὰρ ἂν θᾶττον ἀπώλετο, ἢ πῶς ἂν μᾶλλον ἐπηρεάζετο;

8 Περὶ μὲν οὖν τούτων ἱκανὰ τὰ εἰρημένα· ἐγὼ δ' ὑμᾶς ἀξιῶ ὑμῖν αὐτοῖς βοηθῆσαι, καὶ πολὺ μᾶλλον τοὺς ἀδικοῦντας τιμωρεῖσθαι ἢ τοὺς τὰ τῆς πόλεως ἔχοντας ἐλεεινοὺς ἡγεῖσθαι. οὐδὲν γὰρ τῶν αὐτοῦ καταθήσει, ἀλλὰ τὰ ὑμέτερα ὑμῖν αὐτοῖς ἀποδώσει, καὶ πολλῷ πλέον αὐτῷ τούτων

περιέσται. καὶ γὰρ δὴ δεινὸν ἂν εἴη, ὦ ἄνδρες δικασταί, εἰ τοῖς μὲν μὴ δυναμένοις τὰ σφέτερ' αὐτῶν εἰσφέρειν ὀργίζοισθε καὶ τὰς οὐσίας αὐτῶν ὡς ἀδικούντων δημεύοιτε, τοὺς δὲ τὰ ὑμέτερα αὐτῶν ἔχοντας μὴ τιμωροῖσθε, ἀλλὰ τῶν τε χρημάτων ἀποστεροῖσθε καὶ τούτους χαλεπωτέρους ἐχθροὺς ἔχοιτε. ἕως γὰρ ἂν τὰ ὑμέτερα ἔχοντες σφίσιν αὐτοῖς ξυνειδῶσιν, οὐδέποτε ὑμῖν παύσονται κακονοοῦντες, νομίζοντες τὰς τῆς πόλεως δυστυχίας μόνας ἀπαλλαγὴν εἶναι τῶν πρὸς αὐτοὺς πραγμάτων.

Ἡγοῦμαι δ', ὦ ἄνδρες δικασταί, οὐ μόνον περὶ χρημάτων αὐτῷ προσήκειν ἀγωνίζεσθαι, ἀλλὰ καὶ περὶ τοῦ σώματος κινδυνεύειν. καὶ γὰρ δὴ δεινὸν ἂν εἴη, εἰ οἱ μὲν τὰ τῶν ἰδιωτῶν ἀπολλύμενα τοῖς κλέπταις συνειδότες τοῖς αὐτοῖς ἐνέχοιντο, οὗτος δὲ τὰ τῆς πόλεως Ἐργοκλεῖ συνειδὼς κλέπτοντι καὶ ἐπὶ τοῖς ὑμετέροις δωροδοκοῦντι μὴ τῆς αὐτῆς τιμωρίας τυγχάνοι, ἀλλὰ ἆθλα λάβοι τὴν ὑπ' ἐκείνου καταλειφθεῖσαν οὐσίαν ἀντὶ τῆς αὐτοῦ πονηρίας. ἄξιοι δ' ὑμῖν εἰσιν ὀργῆς, ὦ ἄνδρες δικασταί. οὗτοι γάρ, ὅτε Ἐργοκλῆς ἐκρίνετο, ἐν τῷ δήμῳ περιιόντες ἔλεγον ὡς πεντακόσιοι μὲν αὐτοῖς εἴησαν ἐκ τοῦ Πειραιῶς δεδεκασμένοι, ἑξακόσιοι δὲ καὶ χίλιοι ἐκ τοῦ ἄστεως· μᾶλλον δὲ προσεποιοῦντο πιστεύειν τοῖς χρήμασιν ἢ δεδιέναι τὰ αὐτῶν ἁμαρτήματα. ἐκεῖ μὲν οὖν ἐπεδείξατε αὐτοῖς, ἐὰν δὲ εὖ φρονῆτε, καὶ νυνὶ τοῦτο φανερὸν πᾶσιν ἀνθρώποις ποιήσετε, ὅτι οὐκ ἔστι τοσαῦτα χρήματα ἃ ὑμᾶς,

οὓς ἂν λαμβάνητε ἀδικοῦντας, ἀποτρέψει τιμωρεῖσθαι, καὶ μηδεμίαν αὐτοῖς ἄδειαν δώσετε τὰ
14 ὑμέτερα αὐτῶν διαρπάζουσι καὶ κλέπτουσιν. ἐγὼ μὲν οὖν ταῦτα ὑμῖν παραινῶ. πάντες γὰρ ἐπίστασθε ὅτι Ἐργοκλῆς χρηματιούμενος ἀλλ᾽ οὐ πρὸς ὑμᾶς φιλοτιμησόμενος ἐξέπλευσε, καὶ οὐδεὶς ἄλλος ἔχει τὰ χρήματα ἢ οὗτος. ἐὰν οὖν σωφρονῆτε, τὰ ὑμέτερ᾽ αὐτῶν κομιεῖσθε.

# XXXI

## ΚΑΤΑ ΦΙΛΩΝΟΣ ΔΟΚΙΜΑΣΙΑΣ

This oration was spoken against Philon on his appearance before the Senate to pass his *δοκιμασία* for entrance as a member of that body. The speaker, a member of the outgoing Senate, considered him utterly unfit to become a senator because of his past record. This is reviewed quite thoroughly in the oration. Nothing is known of the accused save what the speech itself discloses. From that, Philon appears as a lawless, unprincipled character, disloyal to his country, and heartless in his relations to others. It may be considered a companion piece to the oration For Mantitheus (XVI), with the difference, however, that the latter was spoken in defense of, instead of against, a senatorial candidate. The speech possesses the compactness and vigor characteristic of so many of the orations of Lysias, and shows his great skill in suiting the language to the speaker.

Its date cannot be precisely fixed. From its contents, it seems to belong somewhere between the years 404 and 395 B.C. Blass puts the date at 398 B.C. See Jebb, p. 243.

*Ὤιμην μέν, ὦ βουλή, οὐκ ἄν ποτ' εἰς τοῦτο τόλμης Φίλωνα ἀφικέσθαι, ὥστε ἐθελῆσαι εἰς ὑμᾶς ἐλθεῖν*

δοκιμασθησόμενον· ἐπειδὴ δὲ οὐχ ἕν τι μόνον ἀλλὰ πολλὰ τολμηρός ἐστιν, ἐγὼ δὲ ὁμόσας εἰσῆλθον εἰς τὸ βουλευτήριον τὰ βέλτιστα βουλεύσειν
2 τῇ πόλει, ἔνεστί τε ἐν τῷ ὅρκῳ ἀποφανεῖν εἴ τίς τινα οἶδε τῶν λαχόντων ἀνεπιτήδειον ὄντα βουλεύειν, ἐγὼ τὴν κατὰ τουτουὶ Φίλωνος ποιήσομαι κατηγορίαν, οὐ μέντοι γε ἰδίαν ἔχθραν οὐδεμίαν μεταπορευόμενος οὐδὲ τῷ δύνασθαι καὶ εἰωθέναι λέγειν ἐν ὑμῖν ἐπαρθείς, ἀλλὰ τῷ πλήθει τῶν ἁμαρτημάτων αὐτοῦ πιστεύων καὶ τοῖς ὅρκοις οἷς
3 ὤμοσα ἐμμένειν ἀξιῶν. γνώσεσθε μὲν οὖν ὅτι οὐκ ἀπὸ ἴσης παρασκευῆς ἐγώ τε τοῦτον ἐλέγξω οἷός ἐστι καὶ οὗτος ἐπεχείρησε πονηρὸς εἶναι. ὅμως δ' εἴ τι ἐγὼ ἐλλείποιμι τῷ λόγῳ τῆς κατηγορίας, οὐκ ἂν δίκαιος εἴη οὗτος διὰ τοῦτο ὠφεληθῆναι, ἀλλὰ μᾶλλον, ὅ τι ἱκανῶς διδάξαιμι, ἐκ τούτων
4 ἀποδοκιμασθῆναι. ἐνδεῶς μὲν γὰρ διὰ τὴν ἀπειρίαν πάντων τῶν τούτῳ πεπραγμένων, ἱκανῶς δὲ διὰ τὴν περὶ αὐτὸν κακίαν εἰρηκὼς ἂν εἴην. ἀξιῶ δὲ καὶ ὑμῶν οἵτινες δυνατώτεροι ἐμοῦ εἰσι λέγειν, ἀποφῆναι μείζω ὄντα αὐτοῦ τὰ ἁμαρτήματα, καὶ ἐξ ὧν ἂν ἐγὼ ὑπολίπω, πάλιν αὐτοὺς περὶ ὧν ἴσασι κατηγορῆσαι Φίλωνος· οὐ γὰρ ἐκ τῶν ὑπ' ἐμοῦ μόνου λεγομένων δεῖ ὑμᾶς περὶ αὐτοῦ ὁποῖός ἐστι σκέψασθαι.

5 Ἐγὼ γὰρ οὐκ ἄλλους τινάς φημι δίκαιον εἶναι βουλεύειν περὶ ἡμῶν ἢ τοὺς πρὸς τῷ εἶναι πολίτας καὶ ἐπιθυμοῦντας τούτου. τούτοις μὲν γὰρ μεγάλα

τὰ διαφέροντά ἐστιν εὖ τε πράττειν τὴν πόλιν τήνδε καὶ ἀνεπιτηδείως, διὰ τὸ ἀναγκαῖον σφίσιν αὐτοῖς ἡγεῖσθαι εἶναι μετέχειν τὸ μέρος τῶν δεινῶν, ὥσπερ
6 καὶ τῶν ἀγαθῶν μετέχουσιν· ὅσοι δὲ φύσει μὲν πολῖταί εἰσι, γνώμῃ δὲ χρῶνται ὡς πᾶσα γῆ πατρὶς αὐτοῖς ἐστιν ἐν ᾗ ἂν τὰ ἐπιτήδεια ἔχωσιν, οὗτοι δῆλοί εἰσιν ὅτι ἂν παρέντες τὸ τῆς πόλεως κοινὸν ἀγαθὸν ἐπὶ τὸ ἑαυτῶν ἴδιον κέρδος ἔλθοιεν διὰ τὸ μὴ τὴν πόλιν ἀλλὰ τὴν οὐσίαν πατρίδα ἑαυτοῖς
7 ἡγεῖσθαι. ἐγὼ τοίνυν ἀποφανῶ Φίλωνα τουτονὶ περὶ πλείονος ποιησάμενον τὴν ἰδίαν ἀσφάλειαν ἢ τὸν κοινὸν τῆς πόλεως κίνδυνον, καὶ ἡγησάμενον κρεῖττον εἶναι αὐτὸν ἀκινδύνως τὸν βίον διάγειν ἢ τὴν πόλιν σῴζειν ὁμοίως τοῖς ἄλλοις πολίταις κινδυνεύοντα.

8 Οὗτος γάρ, ὦ βουλή, ὅτε ἡ συμφορὰ τῇ πόλει ἦν (ἧς ἐγώ, καθ' ὅσον ἀναγκάζομαι, κατὰ τοσοῦτον μέμνημαι), ἐκκεκηρυγμένος ἐκ τοῦ ἄστεως ὑπὸ τῶν τριάκοντα μετὰ τοῦ ἄλλου πλήθους τῶν πολιτῶν τέως μὲν ᾤκει ἐν ἀγρῷ, ἐπειδὴ δὲ οἱ ἀπὸ Φυλῆς κατῆλθον εἰς τὸν Πειραιᾶ, καὶ οὐ μόνον οἱ ἐκ τῶν ἀγρῶν ἀλλὰ καὶ οἱ ἐκ τῆς ὑπερορίας οἳ μὲν εἰς τὸ ἄστυ οἳ δ' εἰς τὸν Πειραιᾶ συνελέγοντο καὶ καθ' ὅσον ἕκαστος οἷός τ' ἦν, κατὰ τοσοῦτον ἐβοήθει τῇ πατρίδι, τἀναντία ἅπασι τοῖς ἄλλοις πολίταις
9 ἐποίησε· συσκευασάμενος γὰρ τὰ ἑαυτοῦ ἐνθένδε εἰς τὴν ὑπερορίαν ἐξῴκησε, καὶ ἐν Ὠρωπῷ μετοίκιον κατατιθεὶς ἐπὶ προστάτου ᾤκει βουληθεὶς παρ'

ἐκείνοις μετοικεῖν μᾶλλον ἢ μεθ' ἡμῶν πολίτης εἶναι. οὐ τοίνυν οὐδ' ὥσπερ ἔνιοί τινες τῶν πολιτῶν μετεβάλλοντο, ἐπειδὴ ἑώρων τοὺς ἀπὸ Φυλῆς ἐν οἷς ἔπραττον εὐτυχοῦντας, οὐδὲ τούτων τι τῶν εὐτυχημάτων ἠξίωσε μετασχεῖν, ἐπὶ κατειργασμένοις μᾶλλον ἐλθεῖν βουλόμενος ἢ συγκατελθεῖν κατεργασάμενός τι τῶν τῇ κοινῇ πολιτείᾳ συμφερόντων· οὐ γὰρ ἦλθεν εἰς τὸν Πειραιᾶ, οὐδ' ἔστιν ὅπου
10 ἑαυτὸν ὑμῖν τάξαι παρέσχεν. καίτοιγε ὅστις εὐτυχοῦντας ὁρῶν ἡμᾶς ἐτόλμα προδιδόναι, τί ποτε ὡς μὴ ἐβουλόμεθά γε πράττοντας ἐποίησεν ἄν; ὅσοι μὲν τοίνυν διὰ συμφορὰς ἰδίας οὐ μετέσχον τῶν τότε γενομένων τῇ πόλει κινδύνων, συγγνώμης τινὸς ἄξιοί εἰσι τυχεῖν· οὐδενὶ γὰρ οὐδὲν ἑκούσιον
11 δυστύχημα γίγνεται· ὅσοι δὲ γνώμῃ τοῦτο ἔπραξαν, οὐδεμιᾶς συγγνώμης ἄξιοί εἰσιν· οὐ γὰρ διὰ δυστυχίαν ἀλλὰ δι' ἐπιβουλὴν ἐποίησαν αὐτό. καθέστηκε δέ τι ἔθος δίκαιον πᾶσιν ἀνθρώποις τῶν αὐτῶν ἀδικημάτων μάλιστα ὀργίζεσθαι τοῖς μάλιστα δυναμένοις μὴ ἀδικεῖν, τοῖς δὲ πένησιν ἢ ἀδυνάτοις τῷ σώματι συγγνώμην ἔχειν διὰ τὸ
12 ἡγεῖσθαι ἄκοντας αὐτοὺς ἁμαρτάνειν. οὗτος τοίνυν οὐδεμιᾶς συγγνώμης ἄξιός ἐστι τυχεῖν· οὔτε γὰρ τῷ σώματι ἀδύνατος ἦν ταλαιπωρεῖν, ὡς καὶ ὑμεῖς ὁρᾶτε, οὔτε τῇ οὐσίᾳ ἄπορος λῃτουργεῖν, ὡς ἐγὼ ἀποδείξω. ὅστις οὖν ὅσον δυνατὸς ἦν ὠφελεῖν, τοσοῦτον κακὸς ἦν, πῶς οὐκ ἂν εἰκότως ὑπὸ πάντων
13 ὑμῶν μισοῖτο; ἀλλὰ μὴν οὐδ' ἀπεχθήσεσθέ γε τῶν

πολιτῶν οὐδενὶ τοῦτον ἀποδοκιμάσαντες· ὃς οὔ τι τοὺς ἑτέρους ἀλλ' ἀμφοτέρους φανερός ἐστι προδοὺς, ὥστε μήτε τοῖς ἐν τῷ ἄστει γενομένοις φίλον προσήκειν εἶναι τοῦτον, οἰ γὰρ ἠξίωσεν ὡς αὐτοὺς ἐλθεῖν κινδυνεύοντας, μήτε τοῖς τὸν Πειραιᾶ καταλαβοῦ-
14 σιν, οὐδὲ γὰρ τούτοις ἠθέλησε συγκατελθεῖν. εἰ μέντοι τι μέρος περίεστι τῶν πολιτῶν ὅ τι τῶν αὐτῶν μετέσχε τούτῳ πραγμάτων, μετ' ἐκείνων, ἐάν ποτε (ὃ μὴ γένοιτο) λάβωσι τὴν πόλιν, βουλεύειν ἀξιούτω.

Ὡς οὖν ᾤκει τε ἐν Ὠρωπῷ ἐπὶ προστάτου καὶ ἐκέκτητο ἱκανὴν οὐσίαν καὶ οὔτ' ἐν τῷ Πειραιεῖ οὔτ' ἐν τῷ ἄστει ἔθετο τὰ ὅπλα, ἵνα εἰδῆτε ὅτι ταῦτα πρῶτον ἀληθῆ λέγω, ἀκούσατε τῶν μαρτύρων.

ΜΑΡΤΥΡΕΣ

15 Ὑπολείπεται τοίνυν αὐτῷ λέγειν ὡς τῷ μὲν σώματι δι' ἀσθένειάν τιν' ἐπιγενομένην ἀδύνατος κατέστη βοηθῆσαι εἰς τὸν Πειραιᾶ, ἀπὸ δὲ τῶν ὑπαρχόντων ἐπαγγειλάμενος αὐτὸς ἢ χρήματ' εἰσενεγκεῖν εἰς τὸ πλῆθος τὸ ὑμέτερον ἢ ὁπλίσαι τινὰς τῶν ἑαυτοῦ δημοτῶν, ὥσπερ καὶ ἄλλοι πολλοὶ τῶν πολιτῶν αὐτοὶ οὐ δυνάμενοι λῃτουργεῖν τοῖς σώμα-
16 σιν. ἵνα οὖν μὴ ἐγγένηται αὐτῷ ψευσαμένῳ ἐξαπατῆσαι, καὶ περὶ τούτων ἤδη σαφῶς ὑμῖν ἀποδείξω, ἐπειδὴ ὕστερον οὐκ ἐξέσται μοι παρελθόντι ἐνθάδ' ἐλέγχειν αὐτόν. Καί μοι κάλει Διότιμον τὸν Ἀχαρνέα καὶ τοὺς αἱρεθέντας μετ' αὐτοῦ τοὺς δημότας ὁπλίσαι ἀπὸ τῶν εἰσενεχθέντων χρημάτων.

## ΜΑΡΤΥΡΙΑ ΤΩΝ ΑΙΡΕΘΕΝΤΩΝ ΜΕΤΑ ΔΙΟΤΙΜΟΥ

17 Οὗτος τοίνυν οὐχ ὅπως ὠφελήσει τὴν πόλιν ἐν τοιούτῳ καιρῷ καὶ τοιαύτῃ καταστάσει διενοήθη, ἀλλ' ὅπως τι κερδανεῖ ἀπὸ τῶν ὑμετέρων συμφορῶν παρεσκευάσατο· ὁρμώμενος γὰρ ἐξ Ὠρωποῦ, τοτὲ μὲν αὐτὸς μόνος, τοτὲ δ' ἑτέροις ἡγούμενος οἷς τὰ
18 ὑμέτερα δυστυχήματα εὐτυχήματα ἐγεγόνει, περιιὼν κατὰ τοὺς ἀγροὺς καὶ ἐντυγχάνων τῶν πολιτῶν τοῖς πρεσβυτέροις, οἳ κατέμειναν ἐν τοῖς δήμοις ὀλίγα μὲν τῶν ἐπιτηδείων ἔχοντες, τἀναγκαῖα δέ, εὖνοι μὲν ὄντες τῷ πλήθει, ἀδύνατοι δὲ ὑπὸ τῆς ἡλικίας βοηθεῖν, τούτους ἀφῃρεῖτο τὰ ὑπάρχοντα, περὶ πλείονος ποιούμενος αὐτὸς μικρὰ κερδαίνειν ἢ ἐκείνους μηδὲν ἀδικεῖν· οἳ νῦν αὐτὸν δι' αὐτὸ τοῦτο οὐχ οἷοί τέ εἰσιν ἐπεξελθεῖν ἅπαντες, δι' ὅπερ καὶ
19 τότε ἀδύνατοι τῇ πόλει βοηθεῖν ἦσαν. οὐ μέντοι τοῦτόν γε χρὴ διὰ τὴν ἐκείνων ἀδυναμίαν δὶς ὠφεληθῆναι, τότε τ' ἀφελόμενον ἃ εἶχον, νῦν τε δοκιμασθέντα ὑφ' ὑμῶν· ἀλλὰ κἂν ὁστισοῦν παραγένηται τῶν ἀδικηθέντων, μέγα αὐτὸ ἡγήσασθε εἶναι καὶ τοῦτον ὑπερμισήσατε, ὅστις ἐτόλμησεν, οἷς ἕτεροι διδόναι παρ' ἑαυτῶν τι προῃροῦντο διὰ τὴν ἀπορίαν οἰκτίραντες αὐτούς, τούτων ἀφαιρεῖσθαι τὰ ὑπάρχοντα. Κάλει μοι τοὺς μάρτυρας.

## ΜΑΡΤΥΡΕΣ

20 Οὐ τοίνυν ἔγωγε οἶδα ὅ τι ὑμᾶς διαφερόντως δεῖ

γιγνώσκειν περὶ αὐτοῦ ἢ οἱ οἰκεῖοι γιγνώσκουσι· τοιαῦτα γάρ ἐστιν, ὥστ' εἰ καὶ μηδὲν αὐτῷ ἄλλο ἡμάρτητο, διὰ μόνα ταῦτα δίκαιον εἶναι ἀποδοκιμασθῆναι. οἷα μὲν οὖν ζῶσα ἡ μήτηρ αὐτοῦ κατηγόρει παρήσω· ἐξ ὧν δὲ τελευτῶσα τὸν βίον διεπράξατο τεκμαιρομένοις ῥᾴδιόν ἐστιν ὑμῖν
21 γνῶναι ὁποῖός τις ἦν περὶ αὐτήν. ἐκείνη γὰρ τούτῳ μὲν ἠπίστησεν ἀποθανοῦσαν ἑαυτὴν ἐπιτρέψαι, Ἀντιφάνει δὲ οὐδὲν προσήκουσα πιστεύσασα ἔδωκεν εἰς τὴν ἑαυτῆς ταφὴν τρεῖς μνᾶς ἀργυρίου, παραλιποῦσα τοῦτον υἱὸν ὄντα ἑαυτῆς. ἆρα δῆλον ὅτι εὖ ᾔδει αὐτὸν οὐδὲ διὰ τὸ προσήκειν αὐτῇ τὰ
22 δέοντα ποιήσοντα; καίτοι εἰ μήτηρ, ἣ πέφυκε καὶ ἀδικουμένη ὑπὸ τῶν ἑαυτῆς παίδων μάλιστα ἀνέχεσθαι καὶ μικρ' ὠφελουμένη μεγάλα ἔχειν ἡγεῖσθαι διὰ τὸ εὐνοίᾳ μᾶλλον ἢ ἐλέγχῳ τὰ γιγνόμενα δοκιμάζειν, ἐνόμιζε τοῦτον κἂν ἀπὸ τεθνεώσης φέρειν
23 ἑαυτῆς, τί χρὴ ὑμᾶς περὶ αὐτοῦ διανοηθῆναι; ὅστις γὰρ περὶ τοὺς ἑαυτοῦ ἀναγκαίους τοιαῦτα ἁμαρτάνει ἁμαρτήματα, τί ἂν περί γε τοὺς ἀλλοτρίους ποιήσειεν; ὡς οὖν καὶ ταῦτ' ἀληθῆ ἐστιν, ἀκούσατε αὐτοῦ τοῦ λαβόντος τὸ ἀργύριον καὶ θάψαντος αὐτήν.

ΜΑΡΤΥΡΙΑ

24 Τί ἂν οὖν βουληθέντες ὑμεῖς τοῦτον δοκιμάσαιτε; πότερον ὡς οὐχ ἡμαρτηκότα; ἀλλὰ τὰ μέγιστα περὶ τὴν πατρίδα ἠδίκηκεν· ἀλλ' ὡς ἔσται βελτίων; τοιγάρτοι πρότερον βελτίων γενόμενος περὶ τὴν

πόλιν ὕστερον βουλεύειν ἀξιούτω, φανερόν τι ἀγαθὸν ὥσπερ τότε κακὸν ποιήσας. σωφρονέστερον γάρ ἐστιν ὕστερον πᾶσι τῶν ἔργων τὰς χάριτας ἀποδιδόναι· δεινὸν γὰρ ἔμοιγε δοκεῖ εἶναι, εἰ ἐξ ὧν μὲν ἤδη ἡμάρτηκε μηδέποτε τιμωρηθήσεται, ἐξ
25 ὧν δὲ μέλλει εὖ ποιήσειν ἤδη τετιμήσεται. ἀλλ' ἆρα ἵνα βελτίους ὦσιν οἱ πολῖται ὁρῶντες ἅπαντας ὁμοίως τιμωμένους, διὰ τοῦτο δοκιμαστέος ἐστίν; ἀλλὰ κίνδυνος καὶ τοὺς χρηστούς, ἐὰν αἰσθάνωνται ὁμοίως τοὺς πονηροὺς τιμωμένους, παύσεσθαι τῶν χρηστῶν ἐπιτηδευμάτων, τῶν αὐτῶν ἡγουμένους εἶναι τούς τε κακοὺς τιμᾶν καὶ τῶν ἀγαθῶν ἀμνη-
26 μονεῖν. ἄξιον δὲ καὶ τόδε ἐνθυμηθῆναι, ὅτι εἰ μέν τις φρούριόν τι προὔδωκεν ἢ ναῦς ἢ στρατόπεδόν τι, ἐν ᾧ μέρος τι ἐτύγχανε τῶν πολιτῶν ὄν, ταῖς ἐσχάταις ἂν ζημίαις ἐζημιοῦτο, οὗτος δὲ προδοὺς ὅλην τὴν πόλιν οὐχ ὅπως μὴ τιμωρηθήσεται ἀλλ' ὅπως τιμήσεται παρασκευάζεται. καίτοι δικαίως γ' ἂν ὅστις φανερῶς ὥσπερ οὗτος προὔδωκε τὴν ἐλευθερίαν, οὐ περὶ τοῦ βουλεύειν ἀλλὰ περὶ τοῦ δουλεύειν καὶ τῆς μεγίστης ταλαιπωρίας ἀγωνίζοιτο.
27 Ἀκούω δ' αὐτὸν λέγειν ὡς, εἴ τι ἦν ἀδίκημα τὸ μὴ παραγενέσθαι ἐν ἐκείνῳ τῷ καιρῷ, νόμος ἂν ἔκειτο περὶ αὐτοῦ διαρρήδην, ὥσπερ καὶ περὶ τῶν ἄλλων ἀδικημάτων. οὐ γὰρ οἴεται ὑμᾶς γνώσεσθαι ὅτι διὰ τὸ μέγεθος τοῦ ἀδικήματος οὐδεὶς περὶ αὐτοῦ ἐγράφη νόμος. τίς γὰρ ἄν ποτε ῥήτωρ ἐνεθυμήθη ἢ νομοθέτης ἤλπισεν ἁμαρτήσεσθαί

28 τινα τῶν πολιτῶν τοσαύτην ἁμαρτίαν; οὐ γὰρ ἂν δή που, εἰ μέν τις λίποι τὴν τάξιν μὴ αὐτῆς τῆς πόλεως ἐν κινδύνῳ οὔσης ἀλλ' ἑτέρους εἰς τοῦτο καθιστάσης, ἐτέθη νόμος ὡς μεγάλα ἀδικοῦντος, εἰ δέ τις αὐτῆς τῆς πόλεως ἐν κινδύνῳ οὔσης λίποι τὴν πόλιν αὐτήν, οὐκ ἂν ἄρα ἐτέθη. σφόδρα γ' ἄν, εἴ τις ᾠήθη τινὰ τῶν πολιτῶν ἁμαρτήσεσθαί τι
29 τοιοῦτόν ποτε. τίς δ' οὐκ ἂν εἰκότως ἐπιτιμήσειεν ὑμῖν, εἰ τοὺς μετοίκους μέν, ὅτι κατὰ τὸ προσῆκον ἑαυτοῖς ἐβοήθησαν τῷ δήμῳ, ἐτιμήσατε ἀξίως τῆς πόλεως, τοῦτον δέ, ὅτι παρὰ τὸ προσῆκον ἑαυτῷ προὔδωκε τὴν πόλιν, μὴ κολάσετε, εἰ μή γε ἄλλῳ
30 τινὶ μείζονι, τῇ γε παρούσῃ ἀτιμίᾳ; ἀναμνήσθητε δὲ δι' ὅ τι ποτὲ τοὺς ἀγαθοὺς ἄνδρας γεγενημένους περὶ τὴν πόλιν τιμᾶτε καὶ τοὺς κακοὺς ἀτιμάζετε. παρεδείχθη γὰρ ἀμφότερα ταῦτα οὐ τῶν γεγενημένων μᾶλλόν τι ἕνεκα ἢ τῶν γενησομένων, ἵν' ἀγαθοὶ προθυμῶνται γίγνεσθαι ἐκ παρασκευῆς,
31 κακοὶ δὲ μηδὲ ἐξ ἑνὸς τρόπου ἐπιχειρῶσιν. ἔτι δὲ ἐνθυμήθητε ποίων ἂν ὑμῖν δοκεῖ οὗτος ὅρκων φροντίσαι, ὃς ἔργῳ τοὺς πατρίους θεοὺς προὔδωκεν; ἢ πῶς ἂν χρηστόν τι βουλεῦσαι περὶ τῆς πολιτείας, ὃς οὐδὲ ἐλευθερῶσαι τὴν πατρίδα ἐβουλήθη; ἢ ποῖα ἂν ἀπόρρητα τηρῆσαι, ὃς οὐδὲ τὰ προειρημένα ποιῆσαι ἠξίωσε; πῶς δ' εἰκός ἐστι τοῦτον, ὃς οὐδὲ τελευταῖος ἐπὶ τοὺς κινδύνους ἦλθε, πρότερον τῶν κατεργασαμένων καὶ αὐτῶν κινδυνευσάντων τιμηθῆναι; σχέτλιον δ' ἂν εἴη, εἰ οὗτος μὲν ἅπαντας

τοὺς πολίτας περὶ οὐδενὸς ἡγήσατο, ὑμεῖς δὲ τοῦτον ἕνα ὄντα μὴ ἀποδοκιμάσαιτε.

32 Ὁρῶ δέ τινας οἳ νῦν μὲν τούτῳ παρασκευάζονται βοηθεῖν καὶ δεῖσθαι ὑμῶν, ἐπειδὴ ἐμὲ οὐκ ἠδύναντο πεῖσαι· τότε δέ, ὅτε οἱ κίνδυνοι μὲν ὑμῖν καὶ οἱ μέγιστοι ἀγῶνες ἦσαν, τὰ δὲ ἆθλα αὐτὴ ἡ πολιτεία ἔκειτο, καὶ ἔδει οὐ μόνον περὶ τοῦ βουλεύειν ἀλλὰ καὶ περὶ τῆς ἐλευθερίας ἀγωνίζεσθαι, τότε οὐκ ἐδέοντο αὐτοῦ βοηθῆσαι καὶ ὑμῖν καὶ κοινῇ τῇ πόλει, καὶ μὴ προδοῦναι μήτε τὴν πατρίδα μήτε τὴν βουλήν, ἧς νῦν ἀξιοῖ τυχεῖν οὐ μετὸν αὐτῷ,
33 ἄλλων γε κατεργασαμένων. μόνος δή, ὦ βουλή, δικαίως οὐδ' ἂν ἀγανακτοίη μὴ τυχών· οὐ γὰρ ὑμεῖς νῦν αὐτὸν ἀτιμάζετε, ἀλλ' αὐτὸς αὑτὸν τότε ἀπεστέρησεν, ὅτε οὐκ ἠξίωσεν, ὥσπερ νῦν προθύμως κληρωσόμενος ἦλθε, καὶ τότε διαμαχούμενος περὶ αὐτῆς καταστῆναι μεθ' ὑμῶν.

34 Ἱκανά μοι νομίζω εἰρῆσθαι, καίτοι πολλά γε παραλιπών. ἀλλὰ πιστεύω ὑμᾶς καὶ ἄνευ τούτων αὐτοὺς τὰ συμφέροντα τῇ πόλει γνώσεσθαι. οὐ γὰρ ἄλλοις τισὶν ὑμᾶς δεῖ περὶ τῶν ἀξίων ὄντων βουλεύειν τεκμηρίοις χρῆσθαι ἢ ὑμῖν αὐτοῖς, ὁποῖοί τινες ὄντες αὐτοὶ περὶ τὴν πόλιν ἐδοκιμάσθητε. ἔστι γὰρ τὰ τούτου ἐπιτηδεύματα καινὰ παραδείγματα καὶ πάσης δημοκρατίας ἀλλότρια.

# XXXII

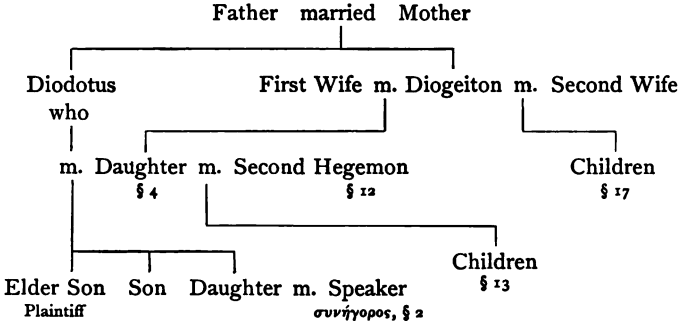
## ΚΑΤΑ ΔΙΟΓΕΙΤΟΝΟΣ

This oration was pronounced against one Diogeiton, who, as guardian of his brother's three children, was accused of dishonesty in the administration of their estate. The suit comes under the head of *δικαὶ ἐπιτροπικαί*, or actions brought by wards against guardians who had proved false to their trusts.

Most of the Attic orators wrote speeches of this kind, but those by Demosthenes against his own guardians are best known to us. The present oration does not appear in the manuscripts of Lysias, but is quoted by Dionysius of Halicarnassus to illustrate the forensic style of our orator. It is not complete, but stops in the midst of a computation. Blass thinks we have about three fourths of it. Lysias is known to have written other speeches against faithless guardians, but they have not come down to us. Such suits were tried before a Heliastic court presided over by the King Archon. They had to be brought within five years after the ward became of age.

The eldest son was legally the prosecutor, who doubtless made a short preliminary statement of the case The further conduct of the trial was given over to a *συνήγορος*, his brother-in-law, in this instance, who spoke the present oration.

Diogeiton had a daughter whom his brother Diodotus married. By reason of this marriage, Diogeiton stood in the relation of father-in-law to his own brother, and those of uncle and grandfather to his brother's children. The peculiar family connections may be seen from the following table:




Diodotus went on a military expedition to Asia Minor, and died at Ephesus. He left a will appointing his brother, who, as we have already seen, was also his father-in-law, guardian over his children, two sons and a daughter. It was the husband of this daughter of Diodotus who spoke this oration.

The oration well shows the *ἠθοποιία* of Lysias, for example, in the portrayal of the hard-heartedness of Diogeiton towards his wards, and of the pathos and dignity of the aggrieved mother and the defrauded children. She, contrary to the custom of Greek women, is made to speak in a meeting of men, and to denounce her own father.

Diodotus went on the military expedition, already

mentioned, in 410–409 B.C. Diogeiton had managed the estate for eight years. The elder son then became of age, and brought the suit. That would fix the time of this speech at about 401 B.C.

Εἰ μὲν μὴ μεγάλα ἦν τὰ διαφέροντα, ὦ ἄνδρες δικασταί, οὐκ ἄν ποτε εἰς ὑμᾶς εἰσελθεῖν τούτους εἴασα, νομίζων αἴσχιστον εἶναι πρὸς τοὺς οἰκείους διαφέρεσθαι, εἰδώς τε ὅτι οὐ μόνον οἱ ἀδικοῦντες χείρους ὑμῖν εἶναι δοκοῦσιν, ἀλλὰ καὶ οἵτινες ἂν ἔλαττον ὑπὸ τῶν προσηκόντων ἔχοντες ἀνέχεσθαι μὴ δύνωνται· ἐπειδὴ μέντοι, ὦ ἄνδρες δικασταί, πολλῶν χρημάτων ἀπεστέρηνται καὶ πολλὰ καὶ δεινὰ πεπονθότες ὑφ' ὧν ἥκιστα ἐχρῆν, ἐπ' ἐμὲ κηδεστὴν ὄντα κατέφυγον, ἀνάγκη μοι γεγένηται
2 εἰπεῖν ὑπὲρ αὐτῶν. ἔχω δὲ τὴν τούτων μὲν ἀδελφήν, Διογείτονος δὲ θυγατριδῆν, καὶ πολλὰ δεηθεὶς ἀμφοτέρων τὸ μὲν πρῶτον ἔπεισα αὐτοὺς τοῖς φίλοις ἐπιτρέψαι δίαιταν, περὶ πολλοῦ ποιούμενος τὰ τούτων πράγματα μηδένα τῶν ἄλλων εἰδέναι· ἐπειδὴ δὲ Διογείτων ἃ φανερῶς ἔχων ἐξηλέγχετο, περὶ τούτων οὐδενὶ τῶν αὑτοῦ φίλων ἐτόλμα πείθεσθαι, ἀλλ' ἐβουλήθη καὶ φεύγειν δίκας καὶ μὴ οὔσας διώκειν καὶ ὑπομένειν τοὺς ἐσχάτους κινδύνους μᾶλλον ἢ τὰ δίκαια ποιήσας ἀπηλλάχθαι τῶν πρὸς τούτους ἐγκλημάτων, ὑμῶν δέομαι, ἐὰν
3 μὲν ἀποδείξω οὕτως αἰσχρῶς αὐτοὺς ἐπιτετροπευμένους ὑπὸ τοῦ πάππου ὡς οὐδεὶς πώποτε ὑπὸ τῶν οὐδὲν προσηκόντων ἐν τῇ πόλει, βοηθεῖν αὐτοῖς τὰ

δίκαια, εἰ δὲ μή, τούτῳ μὲν ἅπαντα πιστεύειν, ἡμᾶς δὲ εἰς τὸν λοιπὸν χρόνον ἡγεῖσθαι χείρους εἶναι. ἐξ ἀρχῆς δ' ὑμᾶς περὶ αὐτῶν διδάξαι πειράσομαι.

4 Ἀδελφοὶ ἦσαν, ὦ ἄνδρες δικασταί, Διόδοτος καὶ Διογείτων ὁμοπάτριοι καὶ ὁμομήτριοι, καὶ τὴν μὲν ἀφανῆ οὐσίαν ἐνείμαντο, τῆς δὲ φανερᾶς ἐκοινώνουν. ἐργασαμένου δὲ Διοδότου κατ' ἐμπορίαν πολλὰ χρήματα πείθει αὐτὸν Διογείτων λαβεῖν τὴν ἑαυτοῦ θυγατέρα, ἥπερ ἦν αὐτῷ μόνη· καὶ γίγνον-
5 ται αὐτῷ υἱεῖ δύο καὶ θυγάτηρ. χρόνῳ δὲ ὕστερον καταλεγεὶς Διόδοτος μετὰ Θρασύλλου τῶν ὁπλιτῶν, καλέσας τὴν ἑαυτοῦ γυναῖκα, ἀδελφιδῆν οὖσαν, καὶ τὸν ἐκείνης μὲν πατέρα, αὑτοῦ δὲ κηδεστὴν καὶ ἀδελφὸν, πάππον δὲ τῶν παιδίων καὶ θεῖον, ἡγούμενος διὰ ταύτας τὰς ἀναγκαιότητας οὐδενὶ μᾶλλον προσήκειν δικαίῳ περὶ τοὺς αὑτοῦ παῖδας γενέσθαι, διαθήκην αὐτῷ δίδωσι καὶ πέντε τάλαντα
6 ἀργυρίου παρακαταθήκην· ναυτικὰ δὲ ἐπέδειξεν ἐκδεδομένα ἑπτὰ τάλαντα καὶ τετταράκοντα μνᾶς . . ., δισχιλίας δὲ ὀφειλομένας ἐν Χερρονήσῳ. ἐπέσκηψε δέ, ἐάν τι πάθῃ, τάλαντον μὲν ἐπιδοῦναι τῇ γυναικὶ καὶ τὰ ἐν τῷ δωματίῳ δοῦναι, τάλαντον δὲ τῇ θυγατρί. κατέλιπε δὲ καὶ εἴκοσι μνᾶς τῇ γυναικὶ καὶ τριάκοντα στατῆρας κυζικηνούς.
7 ταῦτα δὲ πράξας καὶ οἴκοι ἀντίγραφα καταλιπὼν ᾤχετο στρατευσόμενος μετὰ Θρασύλλου. ἀποθανόντος δὲ ἐκείνου ἐν Ἐφέσῳ Διογείτων τὴν μὲν θυγατέρα ἔκρυπτε τὸν θάνατον τοῦ ἀνδρός, καὶ

τὰ γράμματα λαμβάνει ἃ κατέλιπε σεσημασμένα, φάσκων τὰ ναυτικὰ χρήματα δεῖν ἐκ τούτων
8 τῶν γραμματείων κομίσασθαι. ἐπειδὴ δὲ χρόνῳ ἐδήλωσε τὸν θάνατον αὐτοῖς καὶ ἐποίησαν τὰ νομιζόμενα, τὸν μὲν πρῶτον ἐνιαυτὸν ἐν Πειραιεῖ διῃτῶντο· ἅπαντα γὰρ αὐτοῦ κατελέλειπτο τὰ ἐπιτήδεια· ἐκείνων δ' ἐπιλειπόντων τοὺς μὲν παῖδας εἰς ἄστυ ἀναπέμπει, τὴν δὲ μητέρα αὐτῶν ἐκδίδωσιν ἐπιδοὺς πεντακισχιλίας δραχμάς, χιλίαις
9 ἔλαττον ὢν ὁ ἀνὴρ αὐτῆς ἔδωκεν. ὀγδόῳ δ' ἔτει δοκιμασθέντος μετὰ ταῦτα τοῦ πρεσβυτέρου τοῖν μειρακίοιν, καλέσας αὐτοὺς εἶπε Διογείτων ὅτι καταλίποι αὐτοῖς ὁ πατὴρ εἴκοσι μνᾶς ἀργυρίου καὶ τριάκοντα στατῆρας. "ἐγὼ οὖν πολλὰ τῶν ἐμαυτοῦ δεδαπάνηκα εἰς τὴν ὑμετέραν τροφήν. καὶ ἕως μὲν εἶχον, οὐδέν μοι διέφερε· νυνὶ δὲ καὶ αὐτὸς ἀπόρως διάκειμαι. σὺ οὖν, ἐπειδὴ δεδοκίμασαι καὶ ἀνὴρ γεγένησαι, σκόπει αὐτὸς ἤδη
10 πόθεν ἕξεις τὰ ἐπιτήδεια." ταῦτ' ἀκούσαντες ἐκπεπληγμένοι καὶ δακρύοντες ᾤχοντο πρὸς τὴν μητέρα, καὶ παραλαβόντες ἐκείνην ἦκον πρὸς ἐμέ, οἰκτρῶς ὑπὸ τοῦ πάθους διακείμενοι καὶ ἀθλίως ἐκπεπτωκότες, κλάοντες καὶ παρακαλοῦντές με μὴ περιιδεῖν αὐτοὺς ἀποστερηθέντας τῶν πατρῴων μηδ' εἰς πτωχείαν καταστάντας, ὑβρισμένους ὑφ' ὧν ἥκιστα ἐχρῆν, ἀλλὰ βοηθῆσαι καὶ τῆς ἀδελφῆς
11 ἕνεκα καὶ σφῶν αὐτῶν. πολλὰ ἂν εἴη λέγειν, ὅσον πένθος ἐν τῇ ἐμῇ οἰκίᾳ ἦν ἐν ἐκείνῳ τῷ χρόνῳ.

τελευτῶσα δὲ ἡ μήτηρ αὐτῶν ἠντεβόλει με καὶ ἱκέτευε συναγαγεῖν αὐτῆς τὸν πατέρα καὶ τοὺς φίλους, εἰποῦσα ὅτι, εἰ καὶ μὴ πρότερον εἴθισται λέγειν ἐν ἀνδράσι, τὸ μέγεθος αὐτὴν ἀναγκάσει τῶν συμφορῶν περὶ τῶν σφετέρων κακῶν δηλῶσαι
12 πάντα πρὸς ἡμᾶς. ἐλθὼν δ' ἐγὼ ἠγανάκτουν μὲν πρὸς Ἡγήμονα τὸν ἔχοντα τὴν τούτου θυγατέρα, λόγους δ' ἐποιούμην πρὸς τοὺς ἄλλους ἐπιτηδείους, ἠξίουν δὲ τοῦτον εἰς ἔλεγχον ἰέναι περὶ τῶν πραγμάτων. Διογείτων δὲ τὸ μὲν πρῶτον οὐκ ἤθελε, τελευτῶν δὲ ὑπὸ τῶν φίλων ἠναγκάσθη. ἐπειδὴ δὲ συνήλθομεν, ἤρετο αὐτὸν ἡ γυνή, τίνα ποτὲ ψυχὴν ἔχων ἀξιοῖ περὶ τῶν παίδων τοιαύτῃ γνώμῃ χρῆθαι, "ἀδελφὸς μὲν ὢν τοῦ πατρὸς αὐτῶν, πατὴρ δ'
13 ἐμός, θεῖος δὲ αὐτοῖς καὶ πάππος. καὶ εἰ μηδένα ἀνθρώπων ᾐσχύνου, τούς θεοὺς ἐχρῆν σε" φησί "δεδιέναι· ὃς ἔλαβες μέν, ὅτ' ἐκεῖνος ἐξέπλει, πέντε τάλαντα παρ' αὐτοῦ παρακαταθήκην. καὶ περὶ τούτων ἐγὼ ἐθέλω τοὺς παῖδας παραστησαμένη καὶ τούτους καὶ τοὺς ὕστερον ἐμαυτῇ γενομένους ὀμόσαι ὅπου ἂν οὗτος λέγῃ. καίτοι οὐχ οὕτως ἐγώ εἰμι ἀθλία, οὐδ' οὕτω περὶ πολλοῦ ποιοῦμαι χρήματα, ὥστ' ἐπιορκήσασα κατὰ τῶν παίδων τῶν ἐμαυτῆς τὸν βίον ἐκλιπεῖν, ἀδίκως δὲ ἀφελέσθαι
14 τὴν τοῦ πατρὸς οὐσίαν·" ἔτι τοίνυν ἐξήλεγχεν αὐτὸν ἑπτὰ τάλαντα κεκομισμένον ναυτικὰ καὶ τετρακισχιλίας δραχμάς, καὶ τούτων τὰ γράμματα ἀπεδειξεν· ἐν γὰρ τῇ διοικίσει, ὅτ' ἐκ Κολλυτοῦ

διωκίζετο εἰς τὴν Φαίδρου οἰκίαν, τοὺς παῖδας ἐπιτυχόντας ἐκβεβλημένῳ τῷ βιβλίῳ ἐνεγκεῖν πρὸς
15 αὐτήν. ἀπέφηνε δ' αὐτὸν ἑκατὸν μνᾶς κεκομισμένον ἐγγείῳ ἐπὶ τόκῳ δεδανεισμένας, καὶ ἑτέρας δισχιλίας δραχμὰς καὶ ἔπιπλα πολλοῦ ἄξια· φοιτᾶν δὲ καὶ σῖτον αὐτοῖς ἐκ Χερρονήσου καθ' ἕκαστον ἐνιαυτόν. "ἔπειτα σὺ ἐτόλμησας" ἔφη "εἰπεῖν, ἔχων τοσαῦτα χρήματα, ὡς δισχιλίας δραχμὰς ὁ τούτων πατὴρ κατέλιπε καὶ τριάκοντα στατῆρας, ἅπερ ἐμοὶ καταλειφθέντα ἐκείνου τελευ-
16 τήσαντος ἐγώ σοι ἔδωκα; καὶ ἐκβάλλειν τούτους ἠξίωκας θυγατριδοῦς ὄντας ἐκ τῆς οἰκίας τῆς αὐτῶν ἐν τριβωνίοις, ἀνυποδήτους, οὐ μετὰ ἀκολούθου, οὐ μετὰ στρωμάτων, οὐ μετὰ ἱματίων, οὐ μετὰ τῶν ἐπίπλων ἃ ὁ πατὴρ αὐτοῖς κατέλιπεν, οὐδὲ μετὰ τῶν παρακαταθηκῶν ἃς ἐκεῖνος παρὰ σοὶ κατέθετο.
17 καὶ νῦν τοὺς μὲν ἐκ τῆς μητρυιᾶς τῆς ἐμῆς παιδεύεις ἐν πολλοῖς χρήμασιν εὐδαίμονας ὄντας· καὶ ταῦτα μὲν καλῶς ποιεῖς· τοὺς δ' ἐμοὺς ἀδικεῖς, οὓς ἀτίμους ἐκ τῆς οἰκίας ἐκβαλὼν ἀντὶ πλουσίων πτωχοὺς ἀποδεῖξαι προθυμεῖ. καὶ ἐπὶ τοιούτοις ἔργοις οὔτε τοὺς θεοὺς φοβεῖ, οὔτε ἐμὲ τὴν συνειδυῖαν αἰσχύνει, οὔτε τοῦ ἀδελφοῦ μέμνησαι, ἀλλὰ
18 πάντας ἡμᾶς περὶ ἐλάττονος ποιεῖ χρημάτων." τότε μὲν οὖν, ὦ ἄνδρες δικασταί, πολλῶν καὶ δεινῶν ὑπὸ τῆς γυναικὸς ῥηθέντων οὕτω διετέθημεν πάντες οἱ παρόντες ὑπὸ τῶν τούτῳ πεπραγμένων καὶ τῶν λόγων τῶν ἐκείνης, ὁρῶντες μὲν τοὺς παῖδας, οἷα

ἦσαν πεπονθότες, ἀναμιμνησκόμενοι δὲ τοῦ ἀποθανόντος, ὡς ἀνάξιον τῆς οὐσίας τὸν ἐπίτροπον κατέλιπεν, ἐνθυμούμενοι δὲ ὡς χαλεπὸν ἐξευρεῖν ὅτῳ χρὴ περὶ τῶν ἑαυτοῦ πιστεῦσαι, ὥστε, ὦ ἄνδρες δικασταί, μηδένα τῶν παρόντων δύνασθαι φθέγξασθαι, ἀλλὰ καὶ δακρύοντας μηδὲν ἧττον τῶν πεπονθότων ἀπιόντας οἴχεσθαι σιωπῇ.

Πρῶτον μὲν οὖν τούτων ἀνάβητέ μοι μάρτυρες.

ΜΑΡΤΥΡΕΣ

19 Ἀξιῶ τοίνυν, ὦ ἄνδρες δικασταί, τῷ λογισμῷ προσέχειν τὸν νοῦν, ἵνα τοὺς μὲν νεανίσκους διὰ τὸ μέγεθος τῶν συμφορῶν ἐλεήσητε, τοῦτον δ' ἅπασι τοῖς πολίταις ἄξιον ὀργῆς ἡγήσησθε. εἰς τοσαύτην γὰρ ὑποψίαν Διογείτων πάντας ἀνθρώπους πρὸς ἀλλήλους καθίστησιν, ὥστε μήτε ζῶντας μήτε ἀποθνῄσκοντας μηδὲν μᾶλλον τοῖς οἰκειοτά-
20 τοις ἢ τοῖς ἐχθίστοις πιστεύειν· ὃς ἐτόλμησε τὰ μὲν ἔξαρνος γενέσθαι, τὰ δὲ τελευτῶν ὁμολογήσας ἔχειν, εἰς δύο παῖδας καὶ ἀδελφὴν λῆμμα καὶ ἀνάλωμα ἐν ὀκτὼ ἔτεσιν ἑπτὰ τάλαντα ἀργυρίου καὶ τετρακισχιλίας δραχμὰς ἀποδεῖξαι. καὶ εἰς τοῦτο ἦλθεν ἀναισχυντίας, ὥστε οὐκ ἔχων ὅποι τρέψειε τὰ χρήματα, εἰς ὄψον μὲν δυοῖν παιδίοιν καὶ ἀδελφῇ πέντε ὀβολοὺς τῆς ἡμέρας ἐλογίζετο, εἰς ὑποδήματα δὲ καὶ εἰς ἱματία καὶ εἰς γναφεῖον καὶ εἰς κουρέως κατὰ μῆνα οὐκ ἦν αὐτῷ οὐδὲ κατ' ἐνιαυτὸν γεγραμμένα, συλλήβδην δὲ παντὸς τοῦ χρόνου

πλέον ἢ τάλαντον ἀργυρίου. εἰς δὲ τὸ μνῆμα τοῦ πατρὸς οὐκ ἀναλώσας πέντε καὶ εἴκοσι μνᾶς ἐκ πεντακισχιλίων δραχμῶν, τὸ μὲν ἥμισυ αὐτῷ τίθησι, τὸ δὲ τούτοις λελόγισται. εἰς Διονύσια τοίνυν, ὦ ἄνδρες δικασταί (οὐκ ἄτοπον γάρ μοι δοκεῖ καὶ περὶ τούτου μνησθῆναι), ἑκκαίδεκα δραχμῶν ἀπέφηνεν ἐωνημένον ἀρνίον, καὶ τούτων τὰς ὀκτὼ δραχμὰς ἐλογίζετο τοῖς παισίν· ἐφ' ᾧ ἡμεῖς οὐχ ἥκιστα ὠργίσθημεν. οὕτως, ὦ ἄνδρες δικασταί, ἐν ταῖς μεγάλαις ζημίαις ἐνίοτε οὐχ ἧττον τὰ μικρὰ λυπεῖ τοὺς ἀδικουμένους· λίαν γὰρ φανερὰν
22 τὴν πονηρίαν τῶν ἀδικούντων ἐπιδείκνυσιν. εἰς τοίνυν τὰς ἄλλας ἑορτὰς καὶ θυσίας ἐλογίσατο αὐτοῖς πλέον ἢ τετρακισχιλίας δραχμὰς ἀνηλωμένας, ἕτερά τε παμπληθῆ, ἃ πρὸς τὸ κεφάλαιον συνελογίζετο, ὥσπερ διὰ τοῦτο ἐπίτροπος τῶν παιδίων καταλειφθείς, ἵνα γράμματα αὐτοῖς ἀντὶ τῶν χρημάτων ἀποδείξειε καὶ πενεστάτους ἀντὶ πλουσίων ἀποφήνειε, καὶ ἵνα, εἰ μέν τις αὐτοῖς πατρικὸς ἐχθρὸς ἦν, ἐκείνου μὲν ἐπιλάθωνται, τῷ δ' ἐπιτρόπῳ, τῶν πατρῴων ἀπεστερημένοι, πολεμῶσι.
23 καίτοι εἰ ἐβούλετο δίκαιος εἶναι περὶ τοὺς παῖδας, ἐξῆν αὐτῷ, κατὰ τοὺς νόμους οἳ κεῖνται περὶ τῶν ὀρφανῶν καὶ τοῖς ἀδυνάτοις τῶν ἐπιτρόπων καὶ τοῖς δυναμένοις, μισθῶσαι τὸν οἶκον ἀπηλλαγμένον πολλῶν πραγμάτων, ἢ γῆν πριάμενον ἐκ τῶν προσιόντων τοὺς παῖδας τρέφειν· καὶ ὁπότερα τούτων ἐποίησεν, οὐδενὸς ἂν ἧττον Ἀθηναίων

πλούσιοι ἦσαν. νῦν δέ μοι δοκεῖ οὐδεπώποτε διανοηθῆναι ὡς φανερὰν καταστήσων τὴν οὐσίαν, ἀλλ' ὡς αὐτὸς ἔξων τὰ τούτων, ἡγούμενος δεῖν τὴν αὑτοῦ πονηρίαν κληρονόμον εἶναι τῶν τοῦ τεθνεῶ-
24 τος χρημάτων. ὃ δὲ πάντων δεινότατον, ὦ ἄνδρες δικασταί· οὗτος γὰρ συντριηραρχῶν Ἀλέξιδι τῷ Ἀριστοδίκου, φάσκων δυοῖν δεούσας πεντήκοντα μνᾶς ἐκείνῳ συμβαλέσθαι, τὸ ἥμισυ τούτοις ὀρφανοῖς οὖσι λελόγισται, οὓς ἡ πόλις οὐ μόνον παῖδας ὄντας ἀτελεῖς ἐποίησεν, ἀλλὰ καὶ ἐπειδὰν δοκιμασθῶσιν ἐνιαυτὸν ἀφῆκεν ἁπασῶν τῶν λητουργιῶν. οὗτος δὲ πάππος ὢν παρὰ τοὺς νόμους τῆς ἑαυτοῦ τριηραρχίας παρὰ τῶν θυγατριδῶν τὸ ἥμισυ πράτ-
25 τεται. καὶ ἀποπέμψας εἰς τὸν Ἀδρίαν ὁλκάδα δυοῖν ταλάντοιν, ὅτε μὲν ἀπέστελλεν, ἔλεγε πρὸς τὴν μητέρα αὐτῶν ὅτι τῶν παίδων ὁ κίνδυνος εἴη, ἐπειδὴ δὲ ἐσώθη καὶ ἐδιπλασίασεν, αὑτοῦ τὴν ἐμπορίαν ἔφασκεν εἶναι. καίτοι εἰ μὲν τὰς ζημίας τούτων ἀποδείξει, τὰ δὲ σωθέντα τῶν χρημάτων αὐτὸς ἕξει, ὅποι μὲν ἀνήλωται τὰ χρήματα, οὐ χαλεπῶς εἰς τὸν λόγον ἐγγράψει, ῥᾳδίως δὲ ἐκ τῶν
26 ἀλλοτρίων αὐτὸς πλουτήσει. καθ' ἕκαστον μὲν οὖν, ὦ ἄνδρες δικασταί, πολὺ ἂν ἔργον εἴη πρὸς ὑμᾶς λογίζεσθαι· ἐπειδὴ δὲ μόλις παρ' αὐτοῦ παρέλαβον τὰ γράμματα, μάρτυρας ἔχων ἠρώτων Ἀριστόδικον τὸν ἀδελφὸν τὸν Ἀλέξιδος (αὐτὸς γὰρ ἐτύγχανε τετελευτηκώς) εἰ ὁ λόγος αὐτῷ εἴη ὁ τῆς τριηραρχίας· ὃ δὲ ἔφασκεν εἶναι, καὶ ἐλθόντες

οἴκαδε ἠύρομεν Διογείτονα τέτταρας καὶ εἴκοσι μνᾶς ἐκείῳ συμβεβλημένον εἰς τὴν τριηραρχίαν.
27 οὗτος δὲ ἐπέδειξε δυοῖν δεούσας πεντήκοντα μνᾶς ἀνηλωκέναι, ὥστε τούτοις λελογίσθαι ὅσον περ ὅλον τὸ ἀνάλωμα αὐτῷ γεγένηται. καίτοι τί αὐτὸν οἴεσθε πεποιηκέναι περὶ ὧν οὐδεὶς αὐτῷ σύνοιδεν, ἀλλ' αὐτὸς μόνος διεχείριζεν, ὃς ἃ δι' ἑτέρων ἐπράχθη καὶ οὐ χαλεπὸν ἦν περὶ τούτων πυθέσθαι, ἐτόλμησε ψευσάμενος τέτταρσι καὶ εἴκοσι μναῖς τοὺς αὐτοῦ θυγατριδοῦς ζημιῶσαι; Καί μοι ἀνάβητε τούτων μάρτυρες.

## ΜΑΡΤΥΡΕΣ

28 Τῶν μὲν μαρτύρων ἀκηκόατε, ὦ ἄνδρες δικασταί· ἐγὼ δ' ὅσα τελευτῶν ὡμολόγησεν ἔχειν αὐτὸς χρήματα, ἑπτὰ τάλαντα καὶ τετταράκοντα μνᾶς, ἐκ τούτων αὐτῷ λογιοῦμαι, πρόσοδον μὲν οὐδεμίαν ἀποφαίνων, ἀπὸ δὲ τῶν ὑπαρχόντων ἀναλίσκων, καὶ θήσω ὅσον οὐδεὶς πώποτε ἐν τῇ πόλει, εἰς δύο παῖδας καὶ ἀδελφὴν καὶ παιδαγωγὸν καὶ θεράπαιναν χιλίας δραχμὰς ἑκάστου ἐνιαυτοῦ,
29 μικρῷ ἔλαττον ἢ τρεῖς δραχμὰς τῆς ἡμέρας. ἐν ὀκτὼ ἔτεσιν αὗται γίγνονται ὀκτακισχίλιαι δραχμαί, . . . ἓξ τάλαντα περιόντα τῶν ἑπτὰ ταλάντων καὶ εἴκοσι μναῖ τῶν τετταράκοντα μνῶν. οὐ γὰρ ἂν δύναιτο ἀποδεῖξαι οὔθ' ὑπὸ λῃστῶν ἀπολωλεκὼς οὔτε ζημίαν εἰληφὼς οὔτε χρήσταις ἀποδεδωκώς. . . .

# NOTES

## ON THE SACRED OLIVE

**Ἀρεοπαγιτικός** (sc. λόγος): adj. *before the Areopagus.*
**ἀπολογία**: in appos. with λόγος understood.

### §§ 1–3. *The danger to everybody from hired informers.*

**29** 1. **πρότερον μέν . . . ἐνόμιζον . . . νυνὶ δέ**: cf. the oration Against Philon for a similar beginning. **βουλή**: i.e. of the Areopagus; addressed in the same manner as the Senate. See Introduction to the speech, and App. III, 8. **ἄγοντι**: conditional. H. 969, d; G. 1563, 5. **δίκας**: *lawsuits;* here used in a general sense. The word usually means a private as distinguished from a public suit (γραφή). **πράγματα**: *annoyances.* **νυνὶ δέ**: *but as things are now.* **συκοφάνταις**: what is the derivation of this word? **περιπέπτωκα** (*περιπίπτω*): not often found with dative of person. Cf. Dem. LIV, 25: *οὐδεμί' ἐστὶν ἐλπὶς σωτηρίας τῷ περιπίπτοντι τοῖς ἀσελγαίνουσιν.* **οἷόν τε**: *were possible.* H. 1000; G. 1024, b. **καὶ τοὺς μὴ γεγονότας**: *even those not yet born.* Lysias here indulges in a rhetorical exaggeration. **τοιούτους** refers to *συκοφάνταις.* **μηδέν**: why not *οὐδέν*? H. 1025; G. 1612. **ἀδικοῦσι**: here, as often, perfect in meaning. **πολλά**: H. 716, b; G. 1054. **ἡμαρτηκόσι** (*ἁμαρτάνω*).

2. **ἄπορος**: *perplexing,* because of the change in the nature of the indictment. **ὁ ἀγών**: *the case.* **ὥστε ἀπεγράφην**: *that* (I scarcely know what to do, as) *I was first indicted;* a condensed statement. **ἐλάαν** here means a public olive tree (*μορίαν*). For the spelling, see Meist. p. 24. See Introduction to the speech. **ἐκ τούτου τοῦ τρόπου**: *in this manner.* **βούλωνται**: H. 916; G. 1434.

3. **ἅμα ὑμῖν τοῖς διαγνωσομένοις**: *at the same time as you, the ones who are going to decide*. H. 966; G. 1559. **ἀκούσαντα** agrees with **με**. This seems like an exaggeration, as the defendant must have known about the trial long enough beforehand to enable Lysias to write this section of the speech for him. **περὶ . . . ἀγωνίσασθαι**: for the penalty in such cases, see Introduction. **ἐξ ἀρχῆς**: *from the beginning.*

§§ **4–11.** *The defendant's proof that there has been neither olive tree nor olive stump on the farm since his ownership of it.*

4. **ἦν . . . Πεισάνδρου**: *belonged to Peisander*; predicate possessive genitive. H. 732, a; G. 1094, 1. For names mentioned in this and the following sections, see Biographical Index. **τὸν ἄλλον χρόνον**: *thereafter*. H. 720, a; G. 1062. Literally what? **ὀλίγῳ**: construction? H. 781; G. 1184. **τῶν τριάκοντα**: the Thirty Tyrants who terrorized Athens 404–403 B.C. See App. II, 3, 4, and 5. **εἰρήνης οὔσης**: i.e. in the spring of 404 B.C., after the surrender of Athens. For construction, see H. 970; G. 1563, 1; 1568.

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5. **τοῦ χρόνου**: genitive of cause with **ζημιοῦσθαι**. H. 744; G. 1126. **μυρίαι**: differs how from **μύριαι**? See Lex. **ὡς**: meaning with a participle? H. 978; G. 1574. **ἀδικοῦντας**: sc. **ἡμᾶς**.

6. **ὁ πόλεμος**, i.e. the Peloponnesian war from 431–404 B.C. **τὰ μὲν πόρρω**: *the districts at a distance*, i.e. from Athens. The Lacedaemonians repeatedly invaded Attica during the first part of the Peloponnesian war, while during the closing years of the great struggle they, under King Agis, established permanent quarters at Decelēa, a short distance north of Athens. It is to their depredations that reference is made in this section of the oration. **διηρπάζετο**: in order to deprive the enemy of any benefit from them. **δίκην διδοίην**: see Idioms. **ἄλλως τε καὶ ὅτι**: *especially as*; literally what? **πλέον**: see Meist. p. 120, for the form.

7. **εἰ**: *that*; as usual after words expressing surprise and wonder. H. 926; G. 1423. **ἐν ᾧ** (**χρόνῳ**): *when*. **τὰ ἡμέτερ' αὐτῶν**: *our own property*. Construction of **αὐτῶν**? H. 692, 2; G. 1003. **ὅσῳ μάλιστα**: *especially as*; dative of degree of difference and a super-

lative. H. 781 (b); G. 1184; 1185. **τῶν τοιούτων**: i.e. the olive trees. Why genitive? H. 742; G. 1102. **τῶν αὐτῶν . . . κεκτημένων** (*κτάομαι*): concessive. H. 969, e; G. 1563, 6. **δίκην λαμβάνειν**: see Idioms.

8. **τῆς αἰτίας**: H. 748; G. 1117. **ἦ που**: *surely*. **τούς γ'**: *those at least*. **ἀφ' ὑμῶν**: *on your part, at your hands*. Cf. Thuc. I, 39, 3, *τῆς ἀφ' ἡμῶν αἰτίας*; Xen. Hellen. V, 1. 36: *αὐτονόμους δὲ ἀπὸ τῶν Θηβαίων τὰς Βοιωτίδας πόλεις ἐποίησαν*.

**31** 9. **ἀλλὰ γάρ**: *but* (enough of this) *for*, indicating a change of subject. **ἔχων**: concessive. See on § 7. **πρίν . . . γενέσθαι**: what are the constructions used with *πρίν*? H. 924, a; G. 1469–1473. **ἐπί**: *in the time of*, as often with the genitive of words referring to persons. **Πυθοδώρου**: see Biog. Index.

10. **οὑτοσί**: H. 274; G. 412. This indicates that Demetrius was present at this trial. **ἀπελευθέρῳ**: *a freedman*. **τέθνηκε**: *is dead*, as he would otherwise be present on this occasion. **κἄτα** = **καὶ εἶτα**. **ὁμοίως**: *in like manner*, i.e. containing neither trees nor stumps. **δεῦρ'**: i.e. on the witness stand. See App. III, 5.

11. **ἐπὶ Σουνιάδου**: see on § 9, also Biog. Index. **μεμισθωμένοι**: meaning in the active? in the middle? **ἐξελέγξειε**: H. 872; G. 1327; 1328. **οἷόν τε**: see on § 1. The trial properly closes here, but Lysias goes on to consider the probabilities in the case, — a form of argument characteristic of the early Greek orators.

§§ **12–18**. *Argument from probabilities: the unlikelihood that the defendant would have taken such a risk as to remove an olive tree when such trees were so carefully watched.*

12. **πέως**: *hitherto, previous*; adverb in attributive position with force of an adjective. H. 641, a; 600; G. 952, 1. **φάσκοιεν**: H. 914, B, (2); G. 1431, 2. **δεινόν**: *sharp*. **εἰκῇ**: *rashly*. See Meist. § 57. **ἠγανάκτουν ἄν**: H. 835; G. 1296. **αἱρούμενος**: what does the middle of this verb mean? **λέγεσθαι**: *to be spoken of*. **ἂν βουλοίμην**: H. 903; G. 1327. **ταύτην τὴν γνώμην**: i.e. that I am shrewd and careful. **ἡγήσθε**: construction? H. 881; G. 1362; 1369. **ἔργοις**: H. 775; G. 1179. **ἐγίγνετο**: instead of the usual optative. H. 935,

G. 1489. **ἀφανίσαντι**: conditional. See on § 1. **ζημία**: *disadvantage, loss.* **περιποιήσαντι**: *saving* the stump, i.e. allowing it to stand. **λαθών** = condition of what kind? H. 969, d; 895; G. 1563, 5; 1397.

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13. **εἰκός** (*ἐστί*). **ἀντιδίκους**: *opponents;* this word usually means 'defendants.' Which is its literal meaning?

14. **οὗτος**: i.e. the accuser, whose name first appears in § 20. **ἂν ἔχοι**: potential optative. See on § 11. **μοι**: dative of disadvantage. **γιγνομένας**: the reading of Gildersleeve-Morgan. It represents *ἐγίγνετο* of the direct statement. H. 981; G. 1578; 1588.

15. **μεθ' ἡμέραν**: *in the daytime.* **ἐξέκοπτον**: i.e. as the accuser alleges. **ὥσπερ οὐ . . . δέον**: *as if it were not necessary;* accusative absolute. H. 973; G. 1569. **μόνον**: adverb. **τῶν παριόντων**: take with *ἠμέλησε*. The matter was something not merely disgraceful, but it involved a severe penalty.

16. **τὸν . . . βίον**: see on § 4. My slaves would terrorize me if I were guilty. **ἐπ'**: *in the power of*, as often with the dative of words denoting persons. **ἐκείνοις**: the slaves are here meant. **ἐλευθέροις**: predicate adjective. Slaves, by witnessing against their masters, could gain their freedom, and would be only too glad of an opportunity to do so. See what is said on slavery in note to Oration XII, 8.

17. **οἰκετῶν**: after *φροντίζειν*. See on § 7. **παρέστη**: *it had occurred.* Cf. Oration XII, 62; also Thuc. IV, 95, for a similar meaning: *παραστῇ δὲ μηδενὶ ὑμῶν ὡς ἐν τῇ ἀλλοτρίᾳ οὐ προσῆκον τοσόνδε κίνδυνον ἀναρριπτοῦμεν.* **προθεσμίας**: *statute of limitations,* in regard to the time of trial. In most court trials there was a limitation in respect to time. **οὔσης**: causal. H. 969, b; G. 1563, 2. **τοῖς εἰργασμένοις**: take with *προσῆκον* (accusative absolute), *since it concerned.* **ὁμοίως**: *alike.* **εἶχον**: for construction, see H. 884; G. 1371. **ἀνενεγκεῖν** (*ἀναφέρω*): *shift.* As there was no statute of limitations in regard to the matter of time, each of those who had cultivated the ground could have shifted the blame on his predecessor. **ἀπολύσαντες**: i.e. by the fact that they have not blamed me, as they naturally would have done had they not believed me innocent. **τῆς αἰτίας**: H. 753, a; G. 1139; 1140.

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18. τοίνυν: *moreover, further.* παρεσκευασάμην: *arranged,* i.e. by some kind of settlement. ἀποκρυπτόμεθα: attempted action. H. 825; G. 1255. οἱ μὲν . . . οἱ δὲ: *some . . . others.* ὄντες: what use of the participle? H. 980; 984; G. 1578; 1586.

§§ **19–23.** *The accuser's lack of evidence.*

19. οὓς refers to οἱ διάφοροι. μάρτυρας: *as witnesses.* παρεστήκειν: *stood near.* ἀναθέμενος: i.e. on wagons.

20. Νικόμαχε: the man who instituted this trial. See Biog Index. χρῆν: imperfect, with augment omitted. H. 486; G. 1400. ἦσθα . . . τετιμωρημένος: periphrastic pluperfect, placing emphasis on the result of the action. οὕτως ἐξελέγξας: *by trying me thus,* i.e. on the spot, in the interest of the city. κερδαίνειν: i.e. in the shape of bribes.

21. σε πεῖσαι: i.e. by buying you off. ὡς: (saying) *that.* ὑπό: *because of.* Cf. Aristoph. Wasps, 1084: ὑπὸ δὲ τῶν τοξευμάτων
**34** οὐκ ἦν ἰδεῖν τὸν οὐρανόν. σοι μαρτυρεῖν: *to witness for you,* i.e. in your interest.

22. εἰ . . . ἐπήγαγες: what kind of condition? H. 895; G. 1397. ὡς φῂς: *as you say.* ἰδών: temporal. μορίαν = σηκόν here. ἐννέα ἄρχοντας: the chief officers in the Athenian democracy. See App. III, 7. The Archon Basileus would have been sufficient, as olive tree cases came under his jurisdiction. μαρτύρων: construction? H. 743; G. 1112. σοὶ συνῄδεσαν: H. 775; 982, a; G. 1179. οἵπερ: *the very ones who;* the ending περ gives definiteness or emphasis to a word. H. 286.

23. δεινότατα: *outrageously.* αὐτῷ: H. 768; G. 1173. ταύτην (instead of τοῦτο): attracted into the gender of ζημίαν (*detriment*). H. 632, a. The accuser thinks it ought to be counted against me that he has no witnesses, as if I had by influence and money robbed him of them. See § 21 (last sentence). τούτου: H. 744; G. 1102. δήπου: *of course, methinks.* συκοφαντῶν: participle. ἅμα: *at the same time.* λόγων: see on § 22. A slanderer, though without witnesses, will find arguments to suit his needs, even if they are not very logical. τούτῳ: after τὴν αὐτήν. H. 773, a; G. 1175.

§§ **24–29.** *The defendant's other farms where there are many olive trees better suited for such transgressions of the law, as affording less risk of detection.*

24. **πεδίῳ**: i.e. about Athens. **πυρκαϊάς**: these were stumps partially burnt, from whose roots new shoots sprang. **ἦν**: without **ἄν**. H. 897; G. 1400. **ἐπεργάσασθαι**: *encroach upon*. Cf. Aesch. against Ctesiphon, 113: **ἄνδρες παρανομώτατοι ἐπειργάζοντο τὸ πεδίον**. **ὅσῳπερ**: see on § 4. **πολλῶν οὐσῶν**: *since they were numerous*, and I should not have been so readily detected. H. 971, a; G. 1568.

25. **περὶ πολλοῦ ποιοῦμαι**: see Idioms. **ὥσπερ**, etc.: see on § 3, for the nature of the penalty in such cases. **ἐπιμελουμένους . . . ἐπιγνώμονας**: see Introduction regarding the inspection and care of olive trees. **καθ' ἕκαστον ἐνιαυτόν**: *each year*.

26. **ζημίας**: i.e. money fines. **σώματος**: i.e. my civil status.

**35** **περὶ οὐδενὸς ἡγοῦμαι**: see Idioms. **μορίαν**: object of **ἀφανίζων**. **ὡς**: force with a participle? See on § 5.

27. **πότερον**: used in a double direct question in Greek; omit in translating. H. 1017; G. 1606. **δημοκρατίας οὔσης**: *in the time of a democracy*. Literally what? The course of the Athenian democracy was interrupted twice,—once, in 411 B.C., by the Four Hundred (see App. I), whose reign lasted but four months, and again, in 404–403 B.C., by the Thirty Tyrants (see App. II, 3 and 4), whose infamous rule was brought to an end in about eight months. **ἐπί**: as in § 9. **ὡς**: *as*. **τότε δυνάμενος**: i.e. in the time of the Thirty. **νῦν**: i.e. in the democracy. **ἀλλ' ὡς**: *but that*. It would have been safer to dig up olive trees in the time of the Thirty, as they, and the people as well, were completely occupied with other urgent matters.

28. **τούτου** goes with **χωρίου**. **οὐδὲ ἕν**: *not even one*; more emphatic than **οὐδέν**. H. 290, a; G. 378. **οὗτος**: i.e. the plaintiff Nicomachus. **ἀπετόλμησε**: stronger than simple verb. **τούτων οὕτως ἐχόντων**: *this being the case*. **ἔχω** with an adverb is often best rendered by the copula *to be*. **τοιούτῳ πράγματι**: i.e. the removal of an olive tree.

29. **ὑμᾶς**: subject of **ζημιῶσαι**. **χρόνον**: as in § 4. **κίνδυνον**: *peril*, i.e. *trial*. **τοῦτον**: subject of **ἀπογράψαι**, *charge*. **εἰδέναι**

depends on ἡλικίαν ἔχων. G. 1521. Cf. Plato, Laches, p. 187, C: ἐπειδὴ οἱ παῖδες ὑμῖν ὀλίγου . . . ἡλικίαν ἔχουσι παιδεύεσθαι. The plaintiff, if we may judge from this remark, was a young man.

§§ **30–41.** *The defendant's generous public services an argument against such niggardliness as the removal of a paltry stump would imply.*

30. **τῶν ἔργων**: construction? H. 643; G. 1153. **ὧν** is the relative of the following **ταῦτα**, which is the object of **λεγόντων**. **ἀνασχέσθαι**: *to tolerate* (it) *when my enemies say*, etc. **ἐνθυμουμένους** agrees with
**36** **ὑμᾶς**, the omitted subject of the infinitives. **εἰρημένων** (**ἐρῶ**). **τῆς ἄλλης πολιτείας**: *the rest of my life as a citizen.*

31. **προθυμότερον ἢ ὡς**: *more zealously than*; our idiom omits the ὡς. Cf. Isoc. XV, 145, for the same sentiment: **τὰς δ' ἄλλας λῃτουργίας πολυτελέστερον λελῃτουργήκατε καὶ κάλλιον ὧν οἱ νόμοι προστάττουσιν. τριηραρχῶν, εἰσφοράς, χορηγῶν, λῃτουργιῶν**: for the nature of these services often imposed on well-to-do citizens, see App. V, 2. For the spelling of **λῃτουργίαν**, see Meist. § 15, 3.

32. **μετρίως**: *in a moderate degree* (only). **ποιῶν**: conditional. Cf. § 1. **περὶ . . . ἠγωνιζόμην**: see on § 3 for the meaning. **ἐκεκτήμην** (**κτάομαι**): *I should possess*; what does this verb mean in other tenses than the perfect? See Lex. The speaker means to show his generous disposition by stating his liberal contributions to the state, and therefrom to draw the conclusion that a man so generous would not be apt to risk his life and all on an insignificant olive stump, — another argument from the probabilities in the case. **πράξας**: i.e. on the supposition that I did the things with which I am charged.

33. **ὁμολογήσαιτε**: potential optative. See on § 11. **τεκμηρίοις**: construction? H. 777; G. 1183. **περὶ τῶν μεγάλων**: i.e. in matters which involve such serious consequences as exile and loss of property. **πιστότερα**: (matters) *more credible.*

34. **ἐκ τῶν ἄλλων**: *from the remaining considerations* to be mentioned. **βούλοιτο**: construction? H. 932, 2, a and b (2); G. 1498. **βασανίζειν**: *to torture.* The only evidence accepted from slaves was that obtained by torturing them. The accused might offer his slaves

for such examination. Such an act was in his favor, as it argued a clear conscience. The accuser might also demand the slaves of the accused for examination. Cf. Isoc. XVII, 54: ὁρῶ δὲ καὶ ὑμᾶς καὶ περὶ τῶν ἰδίων καὶ περὶ τῶν δημοσίων οὐδὲν πιστότερον οὐδ' ἀληθέστερον βασάνου νομίζοντες. **λόγων, ἔργων**: limit *ἔλεγχον, test.*

35. **κατηγοροῦσιν**: *make ruinous statements*, i.e. in their efforts to shield their masters. **περὶ δέ**: *whereas concerning*, etc. **πεφύκασι**: *they are by nature.* **βασανιζόμενοι**: supplementary participle.

**37** **κατειπόντες**: *denouncing.* **κακῶν**: construction? H. 748; G. 1117. In Oration V, 3 and 5, Lysias finds it more to his purpose to argue against, instead of for, slave testimony, as here.

36. **καὶ μὲν δή**: *and what is more, further.* **ἐμαυτῷ ξυνειδέναι**: see on § 22. Cf. Lycurgus, Leocrates, 30: οὗτοσὶ δὲ διὰ τὸ συνειδέναι ἑαυτῷ οὐχ ὑπέμεινεν ἀλλ' ἔφυγεν. If the defendant refused to give over his slaves to be tortured, it would be considered an evidence of guilt. **ἐμοῦ παραδιδόντος**: *when I offered* (them). See § 34. **δίκαιον**: sc. εἶναι. **τούτου**: i.e. the accuser. **ἄλλως τε καί**: see on § 6.

37. **εἰ ἔλεγον**: i.e. the slaves. Cf. Antiphon, V, 55: ἐπειδὴ δὲ ὁ ἄνθρωπος ὁ πρότερος βασανισθεὶς οὐδὲν ἔλεγε κατ' ἐμοῦ, τότε εἰσβάλλουσιν εἰς τὸ πλοῖον τὸ γραμματεῖδιον, ἵνα ταύτῃ γ' ἔχοιεν ἐμοὶ τὴν αἰτίαν ἐπιφέρειν. **ὡμολόγουν**: third person plural. **ἔνοχος ἦν**: *he would be subject to:* G.M.T. 431. Ordinarily an accuser in a public matter, if he did not receive one fifth of the votes cast, was fined 1000 drachmas, and forbidden ever to bring a similar suit again. In cases concerning olive trees, however, he was not thus punished, probably because it was thought better that people should be too diligent than too timid in the matter of reporting such cases. Injury done to slaves when tortured had to be paid for. **τοῦτο προθυμίας**: *that pitch of eagerness.* **μετ' ἐμοῦ εἶναι**: *to be in my favor.* Literally what?

38. **μηδείς**: used instead of **οὐδείς** when the relative is indefinite. **τετόλμηκε**: sc. μαρτυρεῖν. **εἰκὸς μᾶλλον**: *was more likely*; sc. ἦν.

39. **ἐχθρῶν**: *personal enemies.* **ἀγῶνα**: H. 715; G. 1051. **ὡς**: take with **ἐλπίζων.** **ἀδικοῦντα**: sc. με. **ἀργύριον**: i.e. on condition of his dropping the suit. Cf. Xen. Mem. II, 9, 1: νῦν γὰρ ἐμέ τινες

εἰς δίκας ἄγουσιν, οὐχ ὅτι ἀδικοῦνται ὑπ' ἐμοῦ, ἀλλ' ὅτι νομίζουσιν ἥδιον ἄν με ἀργύριον τελέσαι ἢ πράγματα ἔχειν. **οἱ τοιοῦτοι**: sc. κίνδυνοι. **ἐπαιτιώτατοι**: *invidious*. **τῶν κινδύνων**: partitive genitive. **τοσούτῳ**: correlative of ὅσῳ and dative of degree of difference. **φεύγουσι**: *shun, avoid*, by buying the accusers off.

**38** 40. **ἠξίουν**: sc. φεύγειν. **διηλλάγην**: *became reconciled*. **κακῶς λέγουσιν**: *slander*. Cf. Lat. *maledicere*. **ἐμέ . . . κακόν**: construction? H. 725, a; G. 1073. **ἐπιπέμπουσι**: *let loose on*. **μοι**: H. 775; G. 1179.

41. **γενοίμην, καταστήσομαι**: for this mixed condition, see H. 901, b; G. 1421, 1. The speaker now tries to arouse the jury by resorting to the use of pathos. **ἐρήμου**: i.e. without heirs. Cf. Isaeus, VI, 5, ἔδοξεν αὐτῷ διαθέσθαι τὰ αὑτοῦ, μὴ ἔρημον καταλίπῃ τὸν οἶκον, εἴ τι πάθοι. **πατρίδος**: construction? H. 748, a; G. 1118. **ναυμαχίας . . . μάχας**: for construction, see on § 39.

## §§ 42–43. *The defendant's review of the case; the accuser's assertions unproved.*

42. **ἀλλὰ γάρ**: see on § 9. **ἐνθάδε**: i.e. before the Areopagus, where the law should take its course. **ὅ τι**: *why*; adverbial accusative. **ἃ**: translate as if ταῦτα. In both Greek and Latin a relative is sometimes found at the beginning of a sentence where our idiom uses the demonstrative. **πυθέσθαι ὅτου ἕνεκα** introduces κατέστησεν, as also ζητεῖ and ἤθελεν below. **ἐξόν**: *when it was possible*. Why not genitive absolute? See on § 15. **ἐπ' αὐτοφώρῳ**: *in the act*. **χρόνῳ**: dative of degree of difference. Cf. § 4.

43. **πιστός**: *believed, trusted*. **ἀδικοῦντα**: sc. με. **παραγενέσθαι**: *were present*, i.e. when the olive stump was dug up.

The verdict pronounced in this case, as in nearly all the others with which the orations of Lysias have to do, is unknown.

### Additional References on the Subject Matter of the Oration on the Sacred Olive

On § 2. Meier and Schoemann: Att. Process, p. 302.

On § 4. Curtius: History of Greece, III, pp. 465, 487.

On § 4. Corpus Inscriptionum Atticarum, I, 59.
Hermes, II, 378.
On § 16. Meier and Schoemann: Att. Process, pp. 330 f., 751.
On § 17. Meier and Schoemann: Att. Process, p. 840.
Hermann: Privatalt, p. 83.
On § 22. Meier and Schoemann: Att. Process, p. 293.
On § 24. Curtius: History of Greece, I, 317.
Baedeker: Handbook for Greece, p. 104.
Kiepert: Manual of Ancient Geography (Eng. trans.), p. 162.
On § 31. Gilbert: Griech. Staatsalt. I, p. 341 f.
Smith: Dictionary of Antiquities, under *trierarchia.*
On § 34. Meier and Schoemann: Att. Process, p. 890 ff.
Smith: Dictionary of Antiquities, under *tormentum.*
On § 35. Becker: Charicles (Eng. ed.), III, p. 365 ff.
On § 38. Smith: Dictionary of Antiquities, under *sycophantes.*
On § 42. Meier and Schoemann: Att. Process, p. 933.

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## AGAINST ERATOSTHENES

**39** **τοῦ γενομένου τῶν τριάκοντα**: *the one who belonged to the Thirty.* **ὅν** refers to an omitted antecedent, **λόγος** (the speech), *which.*

§§ **1–3.** *The richness of the theme and the danger of treating it inadequately.*

**42** 1. **ἄπορον**: *difficult*, agreeing in gender with the infinitive, **ἄρξασθαι**: *to begin.* **ἄνδρες δικασταί**: *gentlemen of the jury*; what literally? **τῆς κατηγορίας**: H. 738; G. 1099. **παύσασθαι**: meaning in the middle voice? **λέγοντι**: H. 981; G. 1580; attracted to the case of **μοι**. Could **λέγοντα** have been used? H. 941; G. 928, 1. **αὐτοῖς**: dative of agent. H. 769; G. 1186. **τὸ μέγεθος . . . τὸ πλῆθος**: *in respect to magnitude . . . in respect to number.* H. 718; G. 1058. **ὥστε** introduces **δύνασθαι**; what kind of clause?

H. 927; G. 1449–1451. **ἄν**: with *δύνασθαι*, which verb is to be taken with both *κατηγορῆσαι* and *εἰπεῖν*. **ψευδόμενον**: *if one should utter falsehoods;* circumstantial participle, denoting condition. H. 969, d; G. 1563, 5. **τῶν ὑπαρχόντων**: *than the existing ones.* H. 643; G. 1153. **τἀληθῆ** = *τὰ ἀληθῆ*. H. 76; G. 42. **ἀνάγκη** (*ἐστί*). **ἀπειπεῖν**: *to give out* (from exhaustion). **ἐπιλιπεῖν**: *to fail;* intransitive. Cf. Cicero on the Manilian Law, I, 3, for a similar statement with regard to the richness of his theme.

**43**

2. **τοὐναντίον πείσεσθαι ἤ**: *about to experience the opposite of* (what we experienced) *in former time.* *ἤ* is used because of the comparative idea contained in *τοὐναντίον*. Note the emphatic position. In the Greek sentence, though not so rigid as the Latin, the subject, when expressed, regularly stands with its modifiers at the beginning, and the verb with its adjuncts at the end. Placing a word in an unusual position, as here, makes it conspicuous and emphatic. **πείσεσθαι** (*πάσχω*). **πρὸ τοῦ**: *before this.* *τοῦ* is here demonstrative. H. 655, d; G. 984. **πρότερον**: i.e. before the time of the Thirty. **τὴν ἔχθραν**: *ground of enmity.* **τοὺς κατηγοροῦντας**: *the accusers.* **τοὺς φεύγοντας**: *the defendants;* literally what? **εἴη**: H. 932, 2; G. 1481, 2. **νυνὶ δέ**: *but now;* i.e. as matters now are. This expression, as well as *νῦν δέ*, is often thus used. **αὐτοῖς**: dative of possessor. H. 768; G. 1173. **ἀνθ' ὅτου**: *that,* has the force of a conjunction. **ὡς οὐκ ἔχων**: *as one not having.* H. 978; G. 1574. **οἰκείας**: *personal;* because Lysias had lost both his property and his brother at the hands of the Thirty. **τοὺς λόγους ποιοῦμαι** = *λέγω*. See Idioms. **ὡς ἅπασι πολλῆς ἀφθονίας οὔσης**: *on the ground that all have abundant reason.* H. 970; G. 1152. **ἅπασι**: more emphatic than *πᾶσι*, and dative of possessor with *οὔσης* (*εἰμί*).

3. **πράγματα πράττω** means *to conduct a case.* Lysias had lived quietly as a metic, and had kept out of the courts. **ὑπὸ τῶν γεγενημένων**: *by the things that have happened;* genitive of agent with a thing, as if in a certain sense personified, instead of the dative of means. **τούτου**: i.e. Eratosthenes. **κατέστην**: *have fallen.* **μή**: (fearing) *lest.* **ποιήσομαι**: an unusual construction for *ποιήσωμαι*. H. 887, b; G. 1379. **ἐξ ἀρχῆς**: *from the beginning,*

frequent in this sense. **ὡς . . . ἐλαχίστων**: *as briefly as I may be able.* **δύνωμαι**: mode, and why? H. 916; G. 1434. **δι' ἐλαχίστων** is less usual than **διὰ βραχυτάτων**. Notice the skill of Lysias in this introduction, both in respect to what he says and the manner of saying it, by which he brings his hearers into sympathy with himself, and renders them well disposed and ready to listen to what he may have to say further. Read under the STRUCTURE OF THE SPEECHES of Lysias what is said in general on the character of their introductions.

§§ **4–23.** *The orator's narration of facts concerning his family, the dangers to metics, his own arrest and escape, the death of his brother Polemarchus; the arraignment of Eratosthenes as murderer.*

4. Here begins the narrative (**διήγησις**), or statement of facts. See under STRUCTURE OF THE SPEECHES of Lysias. **οὗμος** = **ὁ ἐμός**. **Κέφαλος**: see under Life of Lysias and Biog. Index. **ὑπὸ Περικλέους**: see Biog. Index. **γῆν**: i.e. Attica. **οὐδενί**: indirect object of **ἐδικασάμεθα**, *institute, bring.* What does this verb mean in the active? See Lex. **ἡμεῖς**: i.e. Lysias and Polemarchus. **ἐκεῖνος**: i.e. Cephalus. **ἐφύγομεν**: *were we defendants;* literally what? **ᾠκοῦμεν**: why this tense? H. 829; G. 1250, 2. **δημοκρατούμενοι**: *in the democracy;* i.e. till the time of the Thirty.

5. **κατέστησαν**: *became established;* which aorist is this? How can you tell? Which is transitive? **τῶν ἀδίκων**: after **καθαράν**, *pure, free from.* **πολίτας . . . προτρέψαι**: strange talk for such monsters as the Thirty. Cf. Isoc. II, 8: **εἰ δέ τις τοὺς κρατοῦντας τοῦ πλήθους ἐπ' ἀρετὴν προτρέψειεν, ἀμφοτέρους ἂν ὀνήσειε.** **λέγοντες**: *though they said;* concessive. H. 969, e; G. 1563, 6. **ἐτόλμων**: *venture, proceed.*

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6. **Θεόγνις, Πείσων**: see Biog. Index. **ἔλεγον**: note the tense. **ἐν**: *in the sessions of.* **μετοίκων**: who were they? See Life of Lysias. **εἶεν**: see on § 2. **πολιτείᾳ**: i.e. the government of the Thirty. Construction? H. 772; G. 1175. **εἶναι**, as also **πένεσθαι**, depends on **ἔλεγον**, above. **πρόφασιν**: *pretext,* followed by **δοκεῖν**.

H. 952; G. 1521. **τιμωρεῖσθαι**: *to punish*, after **δοκεῖν**. **τῷ ἔργῳ**: *in reality*; usual in this sense. H. 779, b; G. 1181. **πάντως**: *at any rate*. **χρημάτων**: for the Spartan troops on the citadel of Athens. See App. II, 4; H. 743; G. 1112.

7. **οὐ χαλεπῶς**: litotes, *not with difficulty*; i.e. *easily*. **ἀποκτιννύναι** = **ἀποκτείνειν**. **περὶ οὐδενὸς ἡγοῦντο**: see Idioms for the meaning, as also for that of **περὶ πολλοῦ ἐποιοῦντο**. **πρὸς τοὺς ἄλλους**: *with reference to the others*; i.e. the other eight. **ᾗ**: construction? H. 881, a; G. 1369. What other mode might have been used? **ἕνεκα**, as here, usually follows its case. **πέπρακται** and **γεγένηται**, where we should use the pluperfect in indirect statement, but Lysias preserves the direct form. **συμφέροντα**: *helpful*; participle, agreeing with **ταῦτα**. **ὥσπερ . . . πεποιηκότες**: *just as when they had done anything else with good reason*. We should expect instead of **πεποιηκότες**, **πεποιηκόσι** (dative), in agreement with **αὐτοῖς**. **τῶν ἄλλων**: partitive genitive with **τι**. The Tyrants thought by killing two or three poor metics along with the rich ones, to shield themselves from the charge of murdering for money.

8. Lysias now vividly narrates the story of his arrest and escape, and of the death of his brother, Polemarchus. **διαλαβόντες**: *assigning*. **οἰκίας**: it was ordinarily illegal to enter a man's house against his will, but in the time of the Thirty, who were a law unto themselves, all kinds of unlawful acts were committed. Cf. Xen. Hellen. II, 4, 14: **δειπνοῦντες συνελαμβανόμεθα καὶ καθεύδοντες καὶ ἀγοράζοντες.** **οἱ ἄλλοι**: i.e. those besides Peison on the hunt for metics. **ἀνδράποδα**: slavery was universal in the ancient Greek world, and was regarded as necessary by such great men as the philosophers, Plato and Aristotle, in order that the citizens, thus freed from manual labor, might devote themselves to self-culture and to the service of the state. The number of slaves was far greater than that of the citizens. A census of Attica (whose chief city was Athens), taken near the close of the fourth century B.C., showed the population to be about as follows: 20,000 citizens, 10,000 metics, or resident foreigners, 400,000 slaves. A citizen was considered poor, indeed, who could not afford two or three slaves. The rich had

large bodies of them. Lysias and Polemarchus, as we learn from this oration, had one hundred and twenty in their shield factory. The father of the orator, Demosthenes, owned two factories, in one of which he employed thirty-two, in the other twenty. Large bodies of them were often let out by owners to work in the mines, as, for example, the silver mines of Laurium. A citizen when on the street was regularly attended by a slave. The price of slaves varied from about thirty to two hundred dollars. A slave traffic was carried on with the nations of the East, and prisoners of war were usually sold as slaves. **ἀπεγράφοντο**: *made a list of*. **βούλοιτο**: construction? See on § 2. **εἰ . . . εἴη** = **ἐὰν ᾖ** of the direct form. H. 932, 2; G. 1481, 2.

9. **ὅ δ'**: *and he*. **τάλαντον**: see App. VI. **ἠπιστάμην** (**ἐπίσταμαι**). **νομίζει**: *regarded*. **ἐκ τῶν παρόντων**: see Idioms. **πίστιν**: *pledge*.

10. **ἐπειδή** and also **ἐπεί** are regularly followed in Greek by the aorist, where our idiom more naturally employs the pluperfect.

**45** **ὤμοσεν** (**ὄμνυμι**). **ἐξώλειαν**: *utter destruction*; object of **ἐπαρώμενος** (**ἐπαράομαι**), *imprecating*. Note the intensive force of **ἐξ** in **ἐξώλειαν**. **λαβών**: H. 969, d; G. 1563, 5. **δωμάτιον**: *bedchamber*. **τὰ ἐνόντα**: *the contents*; what literally?

11. **οὐχ ὅσον**: *not* (only) *as much as*. Cf. Thuc. I, 51, 1: **ὑποτοπήσαντες** (**τὰς ναῦς**) **ἀπ' Ἀθηνῶν εἶναι, οὐχ ὅσας ἑώρων ἀλλὰ πλείους**. For the value in our money of the various amounts named in this section, see App. VI. The whole sum was about $5500. **φιάλας**: *drinking cups*. These were not phials (our English derivative), but flat, broad-topped vessels, without handles. **ἐδεόμην**: usual meaning of this verb in the middle? See Lex. **αὐτοῦ**: construction? H. 743, a; G. 1114. **ἐφόδια**: see Lex. for derivation. **σώσω**: retained in the indicative. Could it have been put in any other mood? H. 932, 2; G. 1481, 2.

12. **ἐξιοῦσι** (**ἔξειμι**): *going out of* the house of Lysias; dative plural of present participle. See Biog. Index for proper names. **καταλαμβάνουσι**: *come upon*. **θύραις**: the gate or door between the house and the factory. **βαδιζοίμην**: optative depending on his-

torical present. H. 828; G. 1268. **εἰς** (*τὴν οἰκίαν*): H. 730, a; G. 953. **σκέψηται**: H. 881, a; G. 1369. **ἐκεῖνον**: i.e. Peison. **Δαμνίππου**: nothing is known of this man.

13. **ἐκεῖσε** and **αὐτόθι** refer to the house of Damnippus. **ὄντι** agrees with *μοι*. **ὡς . . . ἤδη**: *in the belief that death* (literally, *the to die*) *at any rate was now at hand*. **τοῦ ἀποθανεῖν** (*ἀποθνῄσκω*) is used as a noun in the genitive absolute with **ὑπάρχοντος**. H. 959; 970; 971, a; G. 1547; 1152.

14. **ἐπιτήδειος**: *close friend*. **ὤν**: how used? H. 984; G. 1578; 1586. **ἀδικῶ**: this verb, here, as often, is best translated as perfect. **ἀπόλλυμαι**: render as if future. **πρόθυμον**: though grammatically an adjective agreeing with *δύναμιν*, can best be rendered by an adverb, *zealously, eagerly*. Note the short nervous sentences in this section, indicative of the excitement of the speaker. **μνησθῆναι** (*μιμνήσκω*): *to mention*; a deponent verb. **ἡγεῖτο**: *thought*. **εἰ . . . διδοίη** = **ἐάν . . . διδῷ** of direct speech. See on § 8. Why not call it a condition of the less vivid kind? What particle and tenses are found in the conclusion of such a condition? H. 900; G. 1408.

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15. **Θεόγνιδι**: H. 772; G. 1175. **γάρ** generally means *for*, but sometimes, as here, it is simply an introductory word, about equivalent to our use of the word *now*, without reference to time. **τῆς οἰκίας**: H. 753, d; G. 1140. **ᾔδειν** (*οἶδα*). **ἀμφίθυρος** may mean that there were two doors, one in front, and one in the rear, or that there were two doors between Lysias and the back yard. Greek houses, though differing more or less in details, were built, for the most part, on one general plan. The front door opened into a narrow hall which led into an open court (*αὐλή*) surrounded by a covered colonnade. About this colonnade were arranged the men's apartments and the dining-room. Back of this court a door (*μέταυλος*) opened into another hall, leading to another open court. In this were the women's apartments, the work-rooms, the kitchen, and storage closets. Sometimes, especially among the poor, there was but one court, a second story being built above it for the women. These were connected by a stairway, or, as we learn from Lysias (Oration I), sometimes only by a ladderlike arrangement.

**ταύτῃ**: *in this way*. H. 779, a; G. 1181. **ληφθῶ** (*λαμβάνω*): *should be caught*. The introduction of **ἡγούμην** changes the apodosis of **ἐὰν ληφθῶ** (which might have been **ἢ οὐδὲν ἧττον ἀφεθήσομαι ἢ ὁμοίως ἀποθανοῦμαι**) to the infinitive on the principle of indirect discourse. **οὐδὲν ἧττον ἀφεθήσεσθαι** (*ἀφίημι*): *I should none the less be released*. **ὁμοίως**: *just the same*. Lysias felt that while Damnippus was talking to Peison he had better try to escape, thinking that, if he should succeed, he would be safe, however Peison might decide his case; and, even if he should fail in his attempt, he certainly would be no worse off than if he had not tried to get away.

16. **αὐλείῳ**: *front*, i.e. the door opening into the street. **τριῶν θυρῶν**: the third door or opening may have been the one from the back yard into the alley, or back street. **ἅς**: construction? H. 712, c; G. 1057. **ἀνεῳγμέναι** (*ἀνοίγω*): see on § 14. For reduplication, see H. 369; G. 538. **εἰς**: see on § 12. **Ἀρχένεω**: genitive singular of the Attic second declension. **πευσόμενον** (*πυνθάνομαι*): use? H. 969, c; G. 1563, 4. **ἥκων**: *coming* (back). **ἀπαγάγοι**: construction? See on § 2.

17. **πεπυσμένος** (*πυνθάνομαι*). **τῆς ἐπιούσης** (*ἔπειμι*) **νυκτός**: *on the following night*: construction? H. 759; G. 1136. **Μέγαράδε**: see map. What is the force of the ending **δε**? H. 217; G. 293. **ἐπ' ἐκείνων**: *in their time*. See on VII, 9. **εἰθισμένον** (*ἐθίζω*) **παράγγελμα**: *the order accustomed* to be given. On reduplication, see on § 16. **πίνειν κώνειον**: the usual method of inflicting the death penalty was to compel the victim to drink a draught of hemlock. Compare the case of Socrates, as described by Plato in the closing chapters of the Phaedo. **πρὶν τὴν αἰτίαν εἰπεῖν**: *before* (i.e. without) *stating the charge*. Cf. Aesch. III, 235: **πλείους ἢ χιλίους καὶ πεντακοσίους τῶν πολιτῶν ἀκρίτους ἀπέκτειναν πρὶν καὶ τὰς αἰτίας ἀκοῦσαι ἐφ' αἷς ἔμελλον ἀποθνήσκειν**. What constructions are used with *πρίν*? H. 924, a; 955; G. 1469–1473. **οὕτω πολλοῦ ἐδέησε κριθῆναι** (*κρίνω*): *so far was he from having a trial*; literally what? **πολλοῦ**: see on § 6.

18. **τεθνεώς** (*θνῄσκω*). **ἡμῖν**: dative of possessor. See on § 2. **οὐσῶν** (*εἰμί*): concessive. H. 971, c; G. 1568; 1563, 6. **οὐδεμιᾶς**

(οἰκίας). εἶασαν (ἐάω): peculiarity of augment? H. 359; G. 537, 1. ἐξενεχθῆναι (ἐκφέρω = Lat. *effero*): the regular word for carrying out for burial. κλειστόν: *hut*. See Meist. footnotes 172, 328. μισθωσάμεναι means what in the active? προὔθεντο (προτίθημι): *laid out*. The corpse, after it was washed and anointed, was clad in white, crowned with flowers, and laid out in the front part of the house on a couch (κλίνη), around which were placed flasks (λήκυθοι). The burial took place in the morning before sunrise. In the procession to the grave the male relatives preceded, the female followed the corpse, which was generally borne by slaves. If, however, the deceased had been a distinguished man, the body was sometimes carried by citizens, who felt themselves honored in the performance of such a service. αἰτοῦσιν: participle agreeing with ἡμῖν, understood. ὁ μὲν . . . ὁ δέ: *one . . . another*. ἔτυχεν: supply δούς (δίδωμι).

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19. ἔχοντες: concessive. χαλκόν: *bronze*, to be used in the making of armor. κόσμον: *ornaments*. ἔπιπλα: *furniture*. ᾤοντο (οἴομαι). τὸ δημόσιον: *the public treasury*. καὶ τοῦ τρόπου . . . ἐποιήσαντο: here we should naturally expect ὥστε instead of καί. ἐλικτῆρας: *ear-rings*; literally, something twisted. ὅτε τὸ πρῶτον: *as soon as*. τὸ πρῶτον: adverbial accusative. H. 719; G. 1060. ὤτων (οὖς): note accent, although from a monosyllabic nominative singular. H. 172, Exc. a; G. 127, 128. ἐξείλετο (ἐξαιρέω).

20. κατὰ . . . οὐσίας: *with respect to the smallest portion of our property*. ἐλέου: take with ἐντυγχάνομεν. H. 739; G. 1099. ἕτεροι: sc. ἐξήμαρτον. ἀδικημάτων: genitive of cause. ἔχοντες: conditional in force: see on § 1. ἀξίους, ὄντας: with ἡμᾶς. τῇ πόλει: dative of relation. H. 771; G. 1172. χορηγίας: H. 715; G. 1051. See App. V, 2. εἰσφοράς: a special or extraordinary property tax, levied in time of war or other great stress. See App. V, 2. εἰσενεγκόντας (εἰσφέρω). τὸ προσταττόμενον: *order*; literally, *the thing ordered*. What use of the participle? H. 966; G. 1560, 1. κεκτημένους (κτάομαι): meaning of the perfect of this verb? H. 849; G. 1263. λυσαμένους: it was considered a great service for wealthy Athenians to ransom their fellow-citizens from an enemy who had

captured them. The great orator Demosthenes intimates with pride, in his oration On the Crown (§ 268), that he had performed such a service. **οὐχ ὁμοίως μετοικοῦντας ὥσπερ αὐτοὶ ἐπολιτεύοντο**: *not living as metics in the same manner as they themselves were living as citizens.* Supply **ἡμᾶς** as object of **ἠξίωσαν**. Lysias means that the metics were conducting themselves in a better manner than native-born citizens (meaning, of course, the Thirty Tyrants), whereas one would expect the opposite.

21. **οὗτοι**: the Thirty. **ἀτίμους κατέστησαν**: *deprived of civic rights.* **ἐκδίδοσθαι**: *to be given* (in marriage), depends on **μελλούσας**. Supply another **ἐκδίδοσθαι** after **ἐκώλυσαν**. They prevented the consummation of these prospective marriages by robbing the fathers, who, therefore, could not furnish a dowry, — a very important concomitant of the Greek bride. Sometimes a wealthy relative or friend came to the rescue, and provided the necessary property; but, of course, comparatively few were so fortunate in their relation ships.

22. **εἰς τοσοῦτον . . . τόλμης**: *to such an extent of boldness.* **τόλμης**: partitive genitive after **τοσοῦτον**. H. 730, c; G. 1088. **ἀπο-**
48 **λογησόμενοι**: see on § 16. **ἐβουλόμην ἄν**: *I could wish.* H. 903; G. 1339. **τἀγαθοῦ** = **τοῦ ἀγαθοῦ**: that is, if they *did* speak the truth in saying that they had done no harm, Lysias would be greatly benefited, as he would still have both his property and his brother.

23. **νῦν δέ**: see on § 2. **πρός**: see on § 7. **αὐτοῖς τοιαῦτα ὑπάρχει**: *such statements belong to them*; that is, they cannot say that they have done no harm, as both the city and I have suffered greatly from their conduct. **ἰδίᾳ**: *personally:* see on § 6. **ἐξαμαρτάνοντα**: sc. **αὐτόν**, referring to **ἀδελφόν**. **ἑαυτοῦ**: what is the regular position of the reflexive pronoun? of the personal? H. 673, b; G. 977; of the demonstrative? H. 673; G. 974. **παρανομίᾳ**: *lawlessness, spirit of lawlessness.*

§§ **24–36.** *Eratosthenes examined: his answers commented on: the decision of the judges to be an important guide for both citizens and resident foreigners regarding future conduct.*

24. **ἀναβιβασάμενος**: (causal of *ἀναβαίνω*) *to cause to mount*, i.e. the witness stand. See App. III, 5. **ἐρέσθαι**: second aorist of *εἴρομαι*, an Ionic present. It is generally used instead of the aorist of *ἐρωτάω*. **γνώμην**: *opinion*. **ἐπί**: *with a view to*. **καί**: *even*. **ὅσιον καὶ εὐσεβές**: sc. *εἶναι νομίζω*. It was impious, Lysias held, for a surviving relative to have dealings with the murderer of his kinsmen except for purposes of revenge. Hence Lysias justifies himself for bringing Eratosthenes to trial. **ἀνάβηθι**: i.e. on the witness stand. They could be questioned, or simply acknowledge before the court the testimony given at the preliminary trial. See App. III, 5. **ἀπόκριναι**: aorist imperative middle. **ἐρωτῶ**: mode, and why? H. 916; G. 1434.

25. What are the punctuation marks used in Greek? **δεδιώς**: circumstantial participle of cause. H. 969, b; G. 1563, 2. What is the form and meaning? **πότερον . . . ἤ**: *whether . . . or*, used in a double direct question; the first, *πότερον*, may be omitted in translation. **ἡγούμενος**: circumstantial of cause. It is best, as a rule, to render the circumstantial participle by a clause in English, introduced by *because*, *when*, *if*, *though*, *after*, etc., according to its relation to the sentence in which it occurs.

26. **εἶτ'**: *then*, indicating indignation, as also below. **πλῆθος**: *majority*, i.e. of the Thirty. **σωτηρίας** depends on **κύριον**: H. 753, b; G. 1140. **ἐπί**: *in the power of*, as often with the dative of words denoting persons. **καί** before *μή* is best rendered by *or* to suit our idiom. **ὅτι**: *because*. **χρηστός**: *innocent*. **δοῦναι δίκην**: see Idioms.

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27. **καὶ μήν**: *and further*, introducing an additional statement. **εἰκός** (*ἐστί*): *reasonable*. **τοῦτο**: *in this*; properly the direct object of *πιστεύειν*, and explained by the clause beginning with **ὡς**, *that*. **δήπου**: *surely*, *methinks*. **ἐν**: *in the case of*. The Thirty would probably have exacted a pledge in the case of important people, but hardly in the case of the metics. **ἔπειτα**: *in the next place*. **τῷ** = *τίνι*: interrogative pronoun. **ἧττον εἰκός**: *less likely*. **ὅστις** refers to an implied antecedent, such as *τῷ ἀνθρώπῳ*. **ἀντειπών** denotes

past time with reference to ἐτύγχανε. οἷς: (the things) *which*. ἐκεῖνοι: the Thirty.

28. τοῖς ἄλλοις: i.e. those not belonging to the Thirty. πρόφασις: *excuse*. ἀναφέρειν τὴν αἰτίαν: *to shift the blame*. αὐτοὺς . . . τριάκοντα: object of ἀποδέχεσθαι, *to accept*; that is, the excuses. ἄν = ἐάν. σφᾶς αὐτούς: not strictly logical, as Eratosthenes had said that he had protested against the proceedings of the other members of the Thirty. By saying that, he had separated himself from the others.

29. αὐτῆς: *than it*, i.e. that of the Thirty. ἧς refers to ἀρχή. παρά: *contrary to:* what kind of a conditional sentence? H. 895; G. 1397. παρὰ τοῦ ποτε: *from whom, pray*. καί emphasizes λήψεσθε (λαμβάνω), and its force may be indicated by a stress of voice on the latter word. λήψεσθε δίκην: differs how in meaning from δοῦναι δίκην? See Idioms.

30. καὶ μὲν δή: *again, furthermore*. ἐν τῇ ὁδῷ: Eratosthenes was not compelled to arrest Polemarchus on the street, as he did. σῴζειν depends on παρόν, and means *to save* with αὐτόν, but *to carry out* with τὰ ἐψηφισμένα, *the things decreed*. This figure is called zeugma. παρόν (πάρειμι): *though it was possible*; accusative absolute. Why not genitive absolute? H. 973; G. 1569. τούτοις: see on § 1. ὀργίζεσθε (sc. τούτοις) ὅσοι: the Thirty tried to involve many in their guilt, by compelling them to assist in their lawlessness. Socrates, the philosopher, refused to obey them. He felt, however, that he might have been put to death for his resistance had the Thirty continued in power a little longer than they did. Cf. Plato, Apol. 32 D: ἐμὲ γὰρ ἐκείνη ἡ ἀρχὴ (i.e. of the Thirty Tyrants) οὐκ ἐξέπληξεν οὕτως ἰσχυρὰ οὖσα ὥστε ἄδικόν τι ἐργάσασθαι . . . καὶ ἴσως ἂν διὰ ταῦτ' ἀπέθανον, εἰ μὴ ἡ ἀρχὴ διὰ ταχέων κατελύθη.

31. καίτοι: *and yet*. ἑαυτῶν: position? See on § 23. ἀπολέσασι (ἀπόλλυμι): aorist participle, dative plural. ἐκείνοις: i.e. those who acted from compulsion. δικαιότερον: *more justly*. πεμφθεῖσι: supply ἐκείνοις. καταλαβοῦσιν: *if they found* (them); dative of the participle. ἐξάρνοις γενέσθαι: *to deny it*. ἐξάρνοις is an adjective. τῷ δὲ Ἐρατοσθένει ἐξῆν: *but it was pos-*

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*sible for Eratosthenes.* ἔπειτα: *in the next place*, i.e. if the answer contained in ὅτι οὐκ ἀπήντησεν (ἀπαντάω) was not satisfactory, the next one, ὅτι οὐκ εἶδεν, would be. ταῦτα, though plural, refers more especially to ὅτι οὐκ εἶδεν. εἶχεν: *admit of*; literally *hold*. οἷόν τ' εἶναι: *is possible*. In §§ 30 and 31, Lysias tells us that if any deserve sympathy it is those who entered citizens' houses, not from choice, but under compulsion; and that Eratosthenes does not belong to that class, since he arrested Polemarchus on the street, which he was not compelled to do. He could have denied seeing him, and even his enemies could not have proved the contrary.

32. χρῆν: imperfect tense with augment omitted, as often. H. 486; G. 1400. For the omission of ἄν, see H. 897; G. 1400. σε: subject of γενέσθαι. χρηστός: *noble*. τοῖς μέλλουσιν: participle depending on μηνυτήν, *informer*, which is here used in a good sense. ἀπολουμένους: future participle.

33. τοῖς γιγνομένοις: construction? H. 778; G. 1181. τούσδε: i.e. the people in the court-room, especially the jury. ἃ . . . γεγενημένα is object of λαμβάνοντας. τῶν λεγομένων limits τεκμήρια, *as evidence*. τότε: *at that time*, i.e. in the secret meetings of the Thirty. παρ' αὑτοῖς: *by ourselves*, i.e. at home. They had been compelled to flee from their homes in Athens to other places of safety. For αὑτοῖς used as reflexive of the first person, see H. 686, a; G. 995. ἐπί: see on § 26. εἰργασμένοις: perfect middle participle, concessive in force, and here used with two accusatives, — the usual construction in expressions that mean *to do good* or *to do bad to*. H. 725, a; G. 1073.

34. τοῦτο: i.e. your statement that you opposed the wicked proceedings of the Thirty. φεύγω: *evade*. τί . . . ποτε: *what in the world*. συνειπών: use? H. 969, d; 895; G. 1563, 5; 1397. ὁπότε: *seeing that*. φέρε δή: *come now*, exclamatory; compare the Latin *age*. Lysias here addresses his question to the jury. τί ἄν: *what would* (you do)? καὶ . . . καί: give the force of these words by emphasizing ἀδελφοί and ὑείς in translating. See Meist. § 17, p. 40, for the spelling of ὑείς. ὄντες: see on § 14. αὑτοῦ: i.e. Eratosthenes.

The orator means that the jury would not acquit their nearest relatives if they made such a statement as that of Eratosthenes. **δυοῖν θάτερον**: *one of two things*. **θάτερον** = **τὸ ἕτερον**: H. 77, d; G. 46.

**51** **οὗτος δὲ . . . συλλαβεῖν**: is this strictly true? Read again the last part of § 25. Lysias, of course, was anxious to make his case as strong as possible, and doubtless felt that a slight deviation from accuracy of statement, especially if he thought it to his own advantage, would not be noticed by the jury.

35. **ξένων**: *strangers*. **εἰσόμενοι** (**οἶδα**): purpose. See on § 16. **μαθόντες** (*μανθάνω*): *having learned, with the knowledge*; translate after **ἀπίασιν** (**ἄπειμι**). **ὧν**: construction? H. 994; 996, a; G. 1031; 1032. **ἐξαμάρτωσιν**: mode, and why? H. 916; G. 1434. **ὧν**: H. 739; G. 1099. **ἐφίενται** (**ἐφίημι**): *desire, aim at*. **τὸ . . . ἕξουσιν**: *will be on an equality with you*. **ὑμῖν**: H. 773; G. 1175. **ἐπιδημοῦσιν**: *are staying here*. **ἐκκηρύττουσιν**: *banish*. The most of the Tyrants, when overthrown at Athens, fled, we are told, to Eleusis. Probably some found their way to other cities also, which, being in sympathy with the Athenian democracy, did not care to harbor them. **αὐτοὶ . . . πεπονθότες** (*πάσχω*): the Athenian democracy. **ἀφήσουσιν** (*ἀφίημι*): *release, free*. **σφᾶς αὐτούς**: i.e. the **ξένοι**. **περιέργους**: *overzealous*. Lysias, in this section, wishes to impress upon the jury the importance of their decision in the case of Eratosthenes. If they convict him, others will be careful about their conduct in the future, and strangers will not harbor tyrants fleeing to them for refuge; if, however, they acquit him, others will be bold to undertake anything, and, in case of failure, console themselves with the fact that, like the Thirty, they too will be acquitted, and still be on an equality with other citizens.

36. **εἰ**: *that*, after **δεινόν**, as often with words expressive of surprise, e.g. *θαυμάζω*. H. 926; G. 1423. **ἐνίκων ναυμαχοῦντες**: the naval battle of Arginusae, just off the coast of Asia Minor (see Map), 406 B.C. This was one of the hardest battles of the whole Peloponnesian war. Though won by the Athenians, it cost them dearly. **οἵοι τ' εἶναι**: see on § 31. Why is **οἵοι** not accusative? H. 940; G. 927. ***τοὺς ἐκ τῆς θαλάττης*** means both the living and the dead who were

on the disabled boats, and who could not be rescued by reason of the storm (χειμῶνα), as the surviving generals alleged. The Greeks and Romans believed that the souls of the dead, unless their bodies were buried with due ceremonies, were compelled to roam along the river Styx for a hundred years before being admitted to the abode of departed spirits. Hence drowning was regarded by them as a great calamity. Compare Horace, Odes, I, 28. The surviving officers were accordingly condemned, as here stated, among them, Pericles, the nephew of the great Pericles. It is only fair to add that the Athenians afterwards repented of this rash act. τῇ ἀρετῇ: *out of respect to their valor*; dative of interest or advantage. H. 767; G. 1165, τούτους: the Thirty. Lysias would naturally have added here οὐ κολάσεσθε or some similar expression, and ended the whole sentence at ἀποκτιννύναι. ἰδιῶται: i.e. as members of the oligarchical political clubs of Athens (see App. II, 3), who were so eager to overthrow the democracy that they, in order that they might again come to power, were willing that the Spartans should conquer Athens. ' καθ' ὅσον: *as far as*. ἡττηθῆναι (ἡττάομαι): at Aegos Potami on the Hellespont (see Map), 405 B.C. οὐκ . . . κολάζεσθαι is a variation from the construction which Lysias evidently had in mind when he said τούτους δέ above, — an example of anacoluthon. αὐτούς refers to the same persons as τούτους. παῖδας: the families of the ancient Greeks often had to share the penalty inflicted on the father.

The case proper closes at this point, so far as the charge and its proof are concerned. The orator next endeavors to anticipate the points which the defendant will try to make, and so passes in review his life and the infamous work of the Thirty, to which he was a party, thus seeking to shut him off from every avenue of escape.

§§ **37–61.** *Eratosthenes proved guilty: his past life reviewed to his discredit: his plea of fear not valid: the moderate party, to which he belonged, later represented by the Board of Ten, who instead of bringing about peace, made matters worse.*

37. ἠξίουν: i.e. in other cases. Lysias thought in other cases the statement of the charges and their proof sufficient. δόξῃ (H. 921; G. 1465) has ἄξια as subject. φεύγοντι: dative of agent; see on § 1. ταύτην, though referring to θανάτου, is attracted into the gender of δίκην, the predicate noun. H. 631; 632. αὐτῶν: i.e. defendants, suggested by τῷ φεύγοντι, though singular. ὅ τι: *why;* adverbial. ἀνδρῶν: H. 752; G. 1132. τῶν πεπραγμένων: *of their deeds;* literally what? ἀποθανόντες contains the condition; see on § 1. What kind of a condition? H. 900; G. 1436.

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38. προσήκει: *is fitting.* πρός: *with regard to.* ἐξαπατῶσιν: we should expect the infinitive in the same construction as ἀπολογεῖσθαι. Eratosthenes must not, the orator says, try to save himself now by reference to past good deeds. τριηραρχήσαντες: see App. V, 2.

39. κελεύετε: imperative. πόλιν ἥντινα: *what city.* τὴν ὑμετέραν: i.e. Athens.

40. γάρ: omit in translating. It is often used with ἀλλά in a question. ἀφείλοντο: the Thirty Tyrants disarmed all who were not enrolled in the Three Thousand (see App. II, 4). φρούρια: *fortifications.* The Thirty thought their cause would be helped by making Attica defenseless. καθεῖλον (καθαιρέω): regarding the destruction of the walls here mentioned, see App. II, 2.

41. πολλάκις ἐθαύμασα: translate as present or perfect. This is about equivalent to the gnomic aorist. H. 840; G. 1292; 1293. τολμῆς: H. 744; G. 1102. τῶν αὐτῶν ἐστιν: *it is characteristic of the same persons.* H. 732, c; G. 1094. αὐτούς: subject of ἐργάζεσθαι.

42. πλήθει: the democracy is meant. ἐπί: *in the time of,* as often with the genitive of words referring to persons. τῶν τετρακοσίων: see App. I. This was, strictly speaking, just before the time of the Four Hundred. καθιστάς (present participle): *while trying to establish.* Eratosthenes, in the interest of the oligarchical party at Athens, tried to disseminate their doctrine, it seems, among the soldiers (see Introduction to the oration) in the neighborhood of *the* Hellespont (see Map). The army at Samos was also similarly

**53** tampered with by others. **Ἰατροκλέους**: nothing is known of him.

43. **τὸν . . . βίον**: i.e. between 411 B.C. and the battle of Aegos Potami, 405 B.C. It is fair to suppose that if Eratosthenes had not conducted himself properly during that period, Lysias would not have been inclined to pass it by. **παρήσω** (*παρίημι*): *pass by*. **ναυμαχία**: Aegos Potami. **συμφορά**: for an account of the misfortunes that followed, see App. II. **ὅθεν . . . ἦρξαν** refers to what follows. Cf. Isaeus, VI, 8: *ὡς δ' ἐξὸν αὐτῷ ταῦτ' ἔπραξεν, ὅθεν δικαιότατα ἡγοῦμαι τὰ τοιαῦτ' εἶναι μανθάνειν, τοῦτον ὑμῖν αὐτὸν παρέξομαι τὸν νόμον*. **ἔφοροι**: *overseers*, to have general control of the oligarchical political machine. The name **ἔφορος** was given these officers out of regard to Sparta, of whose government they formed an important part. The Athenians had no such officers in their government. **καλουμένων**: *so-called*. **ἑταίρων**: a name the oligarchs adopted for themselves. **συνομοτῶν**: *confederates*; derivation of the word? **Κριτίας**: see Biog. Index.

44. **φυλάρχους**: officers subordinate to the **ἔφοροι** mentioned above, whose orders they were expected to execute. **δέοι**: H. 914, B, 2; G. 1431, 2. **παρήγγελλον**: *passed the word along*. **βούλοιντο**: explain mode. H. 894, 2; G. 1393, 2. **πολλῶν** (H. 753, c; G. 1140): chiefly lack of food during the siege of Athens. **ἔσεσθε**: instead of the optative. H. 885; G. 1372.

45. **τοῦτο**: explained by the following clause. **κακῶς πραττόντων** (sc. *ὑμῶν*): genitive absolute expressing condition. H. 971, b; G. 1563, 5; 1568. **δυνήσονται**: sc. *περιγενέσθαι*. **τῶν παρόντων κακῶν**: H. 748; G. 1117. **μελλόντων**: sc. *κακῶν*.

46. **ὡς**: *that*. **ἐφόρων**: predicate partitive genitive. H. 732, a; G. 1094, 7. **συμπράττοντας**: *coöperating with* him. **οὐ δυναίμην**: because they were bound by their oath.

**54** 47. **ἐσωφρόνουν**: sc. the associates of Eratosthenes. **αὐτῶν**: genitive after *κατά* in the verb. See on § 37. What kind of condition? See on § 29. **ἐπί**: *for, in the case of*. Cf. Isoc. XVIII, 24: *καίτοι δεινὸν εἰ ἐπὶ μὲν τοῖς ὑμετέροις αὐτῶν πράγμασιν ἐμμένετε τοῖς ὅρκοις, ἐπὶ δὲ τῇ τούτου συκοφαντίᾳ παραβαίνειν ἐπιχειρήσετε*.

κακοῖς: *injury*. παρέβαινον: *break*. πιστούς: *binding*. πρός: see on § 7. κάλει: addressed to the herald (κῆρυξ) of the court. ὑμεῖς: i.e. the witnesses. ἀνάβητε: i.e. on the witness stand. See App. III, 5.

48. μαρτύρων: H. 742; G. 1102. τὸ . . . τελευταῖον: *finally*; adverbial accusative. H. 719, b; G. 1060. ἀγαθοῦ: construction? H. 737; G. 1097, 2. ἄλλων: i.e. κακῶν. εἰσαγγελιῶν: *charges*. Βάτραχος: see Biog. Index for the persons mentioned here. πλασθέντα (πλάσσω): *fabricated*. συγκείμενα: *trumped up, concocted*.

49. καὶ μὲν δή: see on § 30. κακόνοι: derivation? οὐδὲν ἧττον εἶχον: *were none the worse off*. σιωπῶντες: *by keeping silent*. While others did the talking, they showed their sympathy with them by not objecting. "Silence gives consent." ὧν: after μείζω. H. 643; G. 1153. Cf. § 1. οἷόν τ' ἦν: *was possible*; cf. § 31. ἐνταῦθα: i.e. in their meetings. λέγοντες: *by proposing*. ἀποτρέποντες: i.e. from their evil course.

50. ἔχοι: potential optative. H. 872; G. 1327; 1328. ὑμῶν limits ἐνίοις. ὅπως . . . φανήσεται depends on some word to be supplied, e.g. σκοπείτω, *let him see to it*. H. 886; G. 1352; 1353. Cf. Xen. Anab. I, 7. 3: ὅπως οὖν ἔσεσθε ἄνδρες ἄξιοι τῆς ἐλευθερίας ἧς κέκτησθε.

55 ἔν τῳ λόγῳ: *in any discussion*. εἰ δὲ μή: *otherwise*; i.e. if it *does* appear that he opposed the Thirty. ἐκεῖνα: i.e. the measures proposed in their deliberations. ἐναντιούμενος: concessive in force; see on § 5. The thought is: If Eratosthenes says he was silenced by fear, he must be careful not to let it appear that he opposed the Thirty, as that would be inconsistent. If it *does* appear that he ever opposed them, it will then be plain that these measures pleased him, because he did not speak in opposition to them. Θεραμένους: see Biog. Index; also App. II, 2 and 3. Eratosthenes was a supporter of Theramenes, the leader of the moderate faction of the Thirty; yet *he* was bad enough, and so Eratosthenes should not be excused.

51. ἀμφότερα refers to the two preceding statements. τὰς . . . διαφορὰς . . . γιγνομένας: (that) *their differences were arising*.

ὁπότεροι: i.e. of the two factions of the Thirty, — the Radicals under Critias, the Moderates under Theramenes. ταῦτα: i.e. the plans of the oligarchy. τῆς πόλεως: H. 741; G. 1109.

52. Read carefully App. II, 4 and 5, for the history referred to in this and the following sections. ἢ . . . κατειληφότος: *than when Thrasybulus had seized Phyle.* Eratosthenes should have given some encouragement to the democracy, if friendly to it, at a time when it was trying to reinstate itself, instead of antagonizing it. ἀντὶ τοῦ ἐπαγγείλασθαι: *instead of promising;* the τοῦ goes with both infinitives. H. 958; 959; G. 1542; 1546. Ἐλευσῖνάδε (see Map): what is the force of the ending δε? See on § 17. μιᾷ ψήφῳ: *with a single vote,* whereas the law required that each individual should be voted on separately.

53. ἦλθομεν: i.e. the exiles. Lysias addresses his jury as if they all had been opposed to the Thirty, whereas, no doubt, some of them had been in sympathy with them, at least with the more moderate faction. αἱ ταραχαί: a mild expression for a fight. Lysias tries to avoid saying anything harsh when referring to the battle between fellow-citizens. ἔσεσθαι: (that we) *should be.* ὡς . . . ἐδείξαμεν: *as we both showed* (afterwards), i.e. by our conduct. ὄντες: concessive. ἀπελθεῖν: i.e. back to the city from the Peiraeus.

54. ἐξέβαλον: not quite accurate, as the Thirty were not banished then, but deposed. Cf. Xen. Hellen. II, 4, 23: ἐψηφίσαντο ἐκείνους μὲν καταπαῦσαι, ἀλλοὺς δὲ ἑλέσθαι. ἄρχοντας: *as rulers.* ἐκείνους: i.e. the Thirty. τοὺς . . . ἐχθίστους: i.e. the Board of Ten. See App. II, 5. εἵλοντο (αἱρέω): meaning in the middle voice? τοὺς ἐν Πειραιεῖ: i.e. the democracy.

56 55. τούτων: the Board of Ten. For names of persons mentioned here, see Biog. Index. Λαμπτρεύς: *of the deme Lamptrae.* Χαρικλεῖ καὶ Κριτίᾳ: extreme radicals, as members of the Thirty. ἑταιρείᾳ: *club.* τοῖς ἐξ ἄστεως: i.e. the oligarchs. The Ten were appointed to reconcile, if possible, the oligarchs and the democrats; but, Lysias says, instead of doing so, they only made matters worse between them, caring, he goes on to say, only for themselves, and aiming at power and wealth.

56. **ᾧ**: *by which* (proceeding). **οἱ . . . δυνάμενοι . . . καὶ . . . πλουτοῦντες**: supply **ἐλύπουν αὐτούς**.

57. **λαβόντες . . . ἀρχάς**: *seizing the offices*. **ἀμφοτέροις**: why dative? H. 772; G. 1177. The Ten held a middle ground. Lysias overstates matters somewhat. **τοῖς**, etc.: in apposition with **ἀμφοτέροις**. **ἐκεῖνοι**: i.e. the Thirty. **ἔφευγον**: *were in banishment*. **ἐξέπεσον** (**ἐκπίπτω**): *were banished*; used as the passive of **ἐκβάλλω**. **τούτων**: i.e. the wrongs that they had done the people.

58. **Ἐρατοσθένει**: dative of association with **τῶν αὐτῶν**. H. 773, a; G. 1175. **γνώμῃ** (H. 776; G. 1181): *mind*. **τοὺς κρείττους**: i.e. the Thirty who now, for the most part, were in Eleusis. **αὐτῶν**: the Ten. **δι' ὑμᾶς**: i.e. through your instrumentality or aid. The Ten, aided by the people, were more powerful than the Thirty. **ἀποδοῦναι**: i.e. as something due; notice the force of **ἀπό** in composition. **ἔπειθον**: of attempted action. H. 832; G. 1255. **διαβάλλων**: *falsely saying*. **Βοιωτῶν**: this would naturally arouse the Spartans, as the Thebans (Boeotians) had aided Thrasybulus at Phyle in his attempts to reinstate the democracy. See App. II, 4 and 5.

59. **τούτων**: i.e. the favors desired of Sparta. **τῶν ἱερῶν . . . ὄντων**: *because the omens were unfavorable*. It was unfavorable omens that kept the Spartans from sending immediate aid to the Athenians at the battle of Marathon almost a century before. **ἐδανείσατο**: meaning in active? Lysander favored the plan, and secured for the Ten a loan of one hundred talents. **ἄρχοντα**: *as commander*. See App. II, 5, in connection with this paragraph.

**57**

60. **μισθωσάμενοι**: meaning of the active? **πάντας ἀνθρώπους**: *men from everywhere*. Cf. Dem. VIII, 5: **Φίλιππος συσκευάζεται πάντας ἀνθρώπους ἐφ' ἡμᾶς**. **ἐπ' ὀλέθρῳ**: *for the destruction*. **ἐπάγοντες**: *calling on*. **τελευτῶντες**: *finally*; used as an adverb. H. 968, a; G. 1564. **εἰ μή**: (and would have done so) *had it not been*. Cf. Isoc. V, 92: **φαίνονται γὰρ κἀκεῖνοι κρατήσαντες ἂν τῶν βασιλέως πραγμάτων, εἰ μὴ διὰ Κῦρον**. **οἷς δηλώσατε**: *you* (should) *show*; *aorist* imperative. **καί**: *also*. **ἐκείνοις** refers to **ἄνδρας**.

61. **ὅμως δέ**: sc. *μάρτυρας παρέξομαι*. **ὡς πλείστων**: (from) *as many as possible*. H. 742, c; G. 1103.

§§ **62–78**. *His claim to acquittal on the ground that he was a member of the moderate party under Theramenes of no account: the worthless character of Theramenes, and his treachery to Athens in her hour of dire distress.*

62. **φέρε δή**: *come now*. See *φέρω* in Lex.; also on § 34. **ὡς ἂν δύνωμαι**: mode? See on § 3. **διὰ βραχυτάτων**: see on § 3. **παραστῇ**: *occur*. Mode? H. 866, 2; G. 1346. **κινδυνεύοντος**: concessive. See on § 5. As Eratosthenes was an adherent of Theramenes, he will try to shield himself under his banner. Hence Lysias proceeds to show what an enemy Theramenes had been to the state.

63. **οἶμαι**: *I suppose;* bitter irony. **πολιτευόμενον**: conditional; see on § 1. **προσποιεῖσθαι**: *claim*. **ὁπότε καί**: *since even*. In other words, if Eratosthenes joined Theramenes in destroying the walls, no doubt, if he had been a citizen with Themistocles, he would even more eagerly have joined with him, as being a better man, in building the walls, — an utter absurdity, as the character of each is so different. One would never think of such a man as Eratosthenes, in view of his record, capable of doing any good. **ἴσου**: *equal* (consideration). For the persons mentioned here, see Biog. Index, and App. II, 2 and 3.

**58** 64. **περιέστηκεν**: *has taken place, resulted*. Cf. Thuc. VI, 24, 2: *τοὐναντίον περιέστη αὐτῷ*. **ἄξιον ἦν**: cf. § 32. **προσαπολωλέναι**: what is the meaning of the second perfect of this verb? of the preposition *πρός* in composition? **πλὴν εἰ**: *unless*. Cf. Plato, Apol. 18, C: *οὐδὲ τὰ ὀνόματα οἷόν τε αὐτῶν εἰδέναι, πλὴν εἴ τις κωμῳδιοποιὸς τυγχάνει ὤν*. **ἀναφερομένας**: see on § 28.

65. **τῆς προτέρας ὀλιγαρχίας**: H. 753, e; G. 1140. See App. I. **αἰτιώτατος**: not strictly true. Antiphon and Peisander perhaps did more than any others to promote the movement that resulted in the rule of the Four Hundred. **ἐπί**: see on § 42. **προβούλων**: *committee* of Ten who worked for the establishment of the Four Hundred.

αὐτός: i.e. Theramenes. τοῖς πράγμασι: i.e. the government of the Four Hundred.

66. See Biog. Index on names mentioned here. προτέρους αὐτοῦ: *before himself*, i.e. more prominent. πλῆθος: i.e. the democracy. τούτων: i.e. the Four Hundred. ἔργων: construction? Cf. § 48 Theramenes, according to Lysias, became jealous of the members of the Four Hundred who were becoming more important than himself; accordingly, when he saw them becoming unpopular and likely to fail, he, from fear of punishment at the hands of the people, went over to the side of the latter in time to save himself.

67. ἀπέκτεινεν: i.e. he *caused* them to be put to death. κακίας: see on § 22. When a member of the Four Hundred he, in a sense, enslaved you, the people; but when he played the turncoat and pretended to side with you, to save his life, he was instrumental in putting to death those who had formerly been his friends, as members of the Four Hundred.

68. Lysias passes by the years from 411 to 404 B.C., probably because he could find nothing especially detrimental to say of Theramenes, and now takes up his history in connection with the close of the Peloponnesian war. Read carefully App. II, 2 and 3. τῶν μεγίστων: *the most important* (offices), e.g. that of general. αὐτός: *voluntarily*, literally *himself*. Cf. Xen. Anab. III, 2, 4: αὐτὸς ὀμόσας ἡμῖν, αὐτὸς δεξιὰς δούς, αὐτὸς ἐξαπατήσας. ηὑρηκέναι: for the form, see Meist. p. 136.

**59** 69. τῆς . . . βουλῆς: the council of the Areopagus did not strictly have any political power. It probably was using its influence, at this time, so far as possible, to bring about an amicable settlement of difficulties between the oligarchs and democrats. σωτήρια: object of πραττούσης. πολλῶν: Cleophon, for example, who lost his life for his boldness. τἀπόρρητα ποιοῦνται: i.e. keep secrets.

70. ἐνετεθύμητο: *was convinced*; the passive is less frequent than the middle voice. ὧν: construction? See on § 35. ἐμνήσθη: *mentioned* (deponent), i.e. Theramenes, in his conference with the Spartans regarding peace, had urged them to ask even more than

they had intended. **πολιτείαν**: i.e. the democracy. **ἑλπίδων**: for the construction, see H. 748, a; G. 1118.

71. **τὸ τελευταῖον**: *finally*, adverbial; cf. § 19. **εἴασε**: peculiarity in augment? Cf. § 18. **ὁ ὁμολογημένος . . . καιρός**: *the time agreed on* between Theramenes and Lysander. This may have been as soon as the latter should complete the conquest of Samos, which had for some time been making a vigorous resistance. **ἐπεδήμησε**: *had entered the city*. **τὸ . . . στρατόπεδον**: i.e. the Spartan army from Decelea, where it had been stationed during the last part of the Peloponnesian war. It encamped near Athens, while Lysander was to occupy the harbor with his fleet. See App. II, 1 and 2.

72. **ὑπαρχόντων**: *existing*. **πολιτείας**: (change of) *government*.

**60** **διαπειλοῖτο** (διαπειλέω). **ἐκείνοις**: the oligarchs and Spartans. Theramenes intimidated the Assembly, backed as he was by the presence of the Spartan army and fleet.

73. **ἀπέφαινεν**: *disclosed, announced*. **καὶ οὕτω διακείμενοι**: *even thus situated, in such a plight*. **ἐθορυβεῖτε**: the Athenians often showed their feelings in a conspicuous way. **καὶ ἐλευθερίας**: translate *καί* by *or* to suit the English idiom.

74. **οὐδέν**: adverbial accusative; see on § 19. **μέλοι**: impersonal. **αὐτῷ**: construction? H. 773, b; G. 1175; 1178. **λέγοι**: *said*; to be taken with **ἐπειδή** above. Why optative? H. 932, 2, a; G. 1497. **παρασπόνδους**: *faithless to the treaty*; probably in not destroying the walls, at the time and to the extent agreed upon. Cf. Plut. Lys. 15: *ἔφη τὴν πόλιν εἰληφέναι παρασπονδοῦσαν· ἑστάναι γὰρ τὰ τείχη τῶν ἡμερῶν, ἐν αἷς ἔδει καθῃρῆσθαι, παρῳχημένων.* **ἔσται**: H. 932; G. 1497; 1498.

75. **γνόντες** (γιγνώσκω). **παρασκευήν**: *plot*. **ἀνάγκην**: *pressure*. **αὐτοῦ**: adverb. **ᾤχοντο ἀπιόντες**: *went away hurriedly*. What literally? H. 827; G. 1256. **γοῦν**: *at any rate*. **συνειδότες** (σύνοιδα): H. 775; G. 1179. **κακῶς βουλευόμενοι**: *ill-advised*. What literally? **ἐχειροτόνησαν**: derivation? See Lex.

76. **ἀπέδειξε**: *nominated*. Why not optative? See H. 935, c; G. 1499. **καθεστηκότες**: i.e. by the **ἑταῖροι**. See § 43. **κελεύοιεν**: H. 916; 934; 937; G. 1434; 1484; 1502, 1. **τῶν παρόντων**: i.e. the

**61** Assembly, who were under intimidation. **ᾔδεσαν** (**οἶδα**). 77. **πιστεῦσαι**: see on § 27. **ἐκείνῳ**: i.e. Theramenes. **ἐν τῇ βουλῇ** goes with **ἔλεγεν**. This refers to the defense made by Theramenes in the council, when Critias, another of the Thirty, was bent on putting him to death as too troublesome an opponent of his extreme measures. See App. II, 4. **τοῖς φεύγουσιν**: i.e. the oligarchs, many of whom had lived in exile after the overthrow of the Four Hundred in 410 B.C. **κατέλθοιεν**: *returned* (to Athens). Theramenes claimed, by helping the oligarchy and the Thirty to power, that he had made it possible for the absent oligarchs to come home. **Λακεδαιμονίων**: the Lacedaemonians were not so especially concerned about the return of those exiled oligarchs as about overcoming Athens. **τοῖς . . . μετέχουσιν**: i.e. the Thirty. **πάντων**, etc., depends on **αἴτιος**. See on § 65. **τοιούτων τυγχάνοι**: *should meet with such a return*. See on § 20. **ἔργῳ**: *in fact, indeed*. See on § 6.

78. **τοσούτων**, etc., depends on **αἰτίῳ**. Reference is here made to the wrongs mentioned in §§ 69–77. **τολμήσουσιν**: plural; meaning that those who support Eratosthenes will venture to do so on the ground that they were friends of Theramenes, a man whom we have shown to have been base and unprincipled. **ἀποθανόντος**: concessive. See on § 5. **ὑπέρ** before **τῆς πονηρίας** means *on account of*. **ἐν ὀλιγαρχίᾳ**: i.e. the Four Hundred. **ἄν**: supply **δίκην ὄντος** (see Idioms). **δίς**: i.e. in the time of the Four Hundred, and in that of the Thirty. **τῶν παρόντων**: construction? See on § 37. This dissatisfaction with what was present, and longing for that which was absent, refers to the restless ambition of the man Theramenes. **τῷ καλλίστῳ ὀνόματι**: e.g. in playing the role of deliverer (see § 68), or in maintaining that the "best" (the oligarchs) should rule. See Xen. Hellen. II, 3. 19–22.

§§ **79–91**. *Mercy for the accused entirely out of place, as is shown by a review of the infamous conduct of the Thirty, to which body he belonged: his conduct, if not the worst, yet bad enough to warrant his condemnation.*

79. **καιρός**: *time*, i.e. to decide the matter by vote. **τούτου**: i.e.

Eratosthenes. H. 274; G. 412. **μηδέ**: *and not*. **πολεμίων** and **ἐχθρῶν** both refer to the Thirty, — the former, in the war at Phyle, in the Peiraeus, at Eleusis; the latter, in political life.

80. **ὧν**: attracted into the case of its omitted antecedent, which would be a genitive of cause. See on § 70. **πλείω χάριν ἴστε** (**οἶδα**): *be more grateful*. See Idioms. **ἀφῆτε**: construction? H. 874, a; G. 1346. **τύχης**: after *κάκιον*. See on § 1. Cf. Isoc. V, 152: *αἰσχρόν ἐστι καλῶς τῆς τύχης ἡγουμένης ἀπολειφθῆναι, καὶ μὴ παρασχεῖν σαυτὸν εἰς ὃ βούλεταί σε προαγαγεῖν*. Fortune has given these monsters (of whom Eratosthenes was one) into the power of the city; be sure to do your duty by condemning them.

62

81. **κατηγόρηται**: *the accusation is finished against*. **οἷς**: instead of **εἰς** and accusative. **ἀνοίσει** (*ἀναφέρω*): see on § 28. **ἐξ ἴσου**: *on an equality*. **τῶν κρινομένων**: *of those on trial*. **καθέσταμεν**: *have settled down*. When Eratosthenes and the other members of the Thirty were in power, they did away with courts of law, and ruled with a high hand. They were both accusers and judges, which meant, of course, condemnation for the accused. Now we, since the courts have been reëstablished, have no such power. One man may accuse, but others give the verdict.

82. **οὗτοι**: i.e. the Thirty. **κατά**: *in accordance with*. **ἀξιοῦτε**: now, since the democracy and courts are reëstablished. **βουλόμενοι**: see on § 1; also H. 902; G. 1413. **ὧν**: case, and why? See on § 70. **τί . . . παθόντες**: *by suffering what?* **ἔργων** depends on *ἀξίαν*. H. 753, f; G. 1135.

83. **πότερον**: see on § 25. **ὧν** refers to the subject of *λάβοιμεν*. **ἀλλὰ γάρ**: see on § 40. **ἔχοι**: *would be*. H. 900; G. 1408. **ἧς** limits *πολλά*.

84. **ποιοῦντας**: see on §§ 1 and 82. **καί**: *even*. **ἠντινοῦν** (=*ἥντινα* +*οὖν*): H. 285; G. 432, 1. Sc. *δίκην*. **ἀπολιπεῖν**: *omit*. **βούλοιτο** (without *ἄν*): in a relative clause, depending on an expression of propriety or impropriety in a primary tense, *ἄν* is omitted; see G.M.T. 555. Cf. Plato, Rep. 332 A: *ἀποδοτέον οὐδ' ὁπωστιοῦν τότε, ὁπότε τις μὴ σωφρόνως ἀπαιτοῖ*. **ἑτέρων**: i.e. the oligarchy. **ἀπο-**

**63** **λογησόμενος**: use of this participle? See on § 16. **ὑμῶν**: construction? H. 752; G. 1132.

85. **ὧν**: case, and why? See on § 48. Supply *ὑμᾶς* as subject of **ἐπιμεληθῆναι**. **ἐκεῖνα**: *those* (evil deeds). **ἐδύναντο**: plural, because others as well as Eratosthenes are meant. **μή**: why not **οὐ**? H. 1025; G. 1612. **ἐλθεῖν**: i.e. into court. **τῶν αὐτῶν**: i.e. the oligarchs. **οὐ**: *not* (merely). **ἄδειαν**: *immunity*. **σφίσιν**: H. 685; 768; G. 987; 1173. **βούλωνται**: mode, and why? See on § 35.

86. **τῶν συνερούντων**: i.e. those who were going to help Eratosthenes and his class by speaking in their favor. See App. III, 5. **καλοὶ κἀγαθοί**: ironical. **αἰτήσονται**: i.e. for the acquittal of Eratosthenes. **ἐβουλόμην ἄν**: *I could wish*. See on § 22. **ἤ**: *or;* answers to the *πότερον* above. See on § 25. **ὡς δεινοὶ λέγειν**: *as clever speakers*. Literally what? **οὐχ . . . οὐδείς . . . οὐδέ**: what is the effect of this accumulation of negatives? H. 1030; G. 1619. When does one negative cancel another? H. 1031; G. 1618.

87. **εὐήθεις**: *good-natured*. **διά**: meaning with the accusative? **δέ**: *whereas, while*. **δεινόν**: *dangerous*. In the time of the Thirty it was dangerous to attend to the burial of their victims. Cf. Aesch. III, 235: *οὐδ' ἐπὶ τὰς ταφὰς καὶ ἐκφορὰς τῶν τελευτησάντων εἴων τοὺς προσήκοντας παραγίγνεσθαι.*

**64** 88. **πέρας . . . τιμωρίας**: *are at the end of* (taking) *vengeance on the enemy*, i.e. have no opportunity of doing so. Cf. Lycurgus, Leocrates, 60: *περὶ τὰς πόλεις συμβαίνει πέρας ἔχειν τὴν ἀτυχίαν ὅταν ἀνάστατοι γένωνται.* **δεινὸν εἰ**: see on § 36. **συναπώλλυντο**: note tense. **αὐτοῖς**: dative of interest or advantage. **δέ**: as in § 87. **ὁπότε**: *seeing that*. Lysias takes it for granted that the jurors will condemn Eratosthenes.

89. **πολλῷ**: construction? H. 781; G. 1184. **εἶναι**: *were;* past in sense, as it = *ἦν* of the direct statement. The particle *ἄν* is omitted. See on § 32. Supply *εἶναι* (present in meaning) after *ἤ*, in the next clause. **Ἐρατοσθένει**: see on § 1. **τῶν ἄλλων Ἑλλήνων**: i.e. those not included among the Thirty. Although he did commit *fewer* evils, as his friends say, than the rest of the Thirty, yet he

did more wrongs than the rest of the Athenians, and that is enough to call for his death.

90. **τούτου**: see on § 37. **δῆλοι ἔσεσθε**: personal, where we use the impersonal construction. **τοῖς πεπραγμένοις**: construction? H. 778; G. 1160. **ὀφθήσεσθε** (ὁράω). **τούτοις**: construction? See on § 58. **ἔξετε**: *be able*. You cannot shield yourselves, as Eratosthenes has tried to do in his own case, by saying that you were in the power of the Thirty.

91. **παρά**: *contrary to*. Though no one may see your individual votes, yet, by the verdict, the public will know your sentiments as a body of jurors.

§§ **92–100**. *The Thirty, deserving of the hatred both of the oligarchs, whom they plunged into civil war and compelled to share their infamy with nothing good to compensate them, and also of the democrats, whom they proscribed, persecuted, and banished without mercy; such knaves (and Eratosthenes was one of them), whose continued success would have brought desecration to the temples and slavery to your children, worthy of no favorable consideration: the spirits of those whom they killed watching you.*

92. **ὀλίγα ἑκατέρους**: construction? H. 724; G. 1106; 1069. **ἑκατέρους**, and not **ἑκάστους**, because speaking of two parties. **ἀναμνήσας** (ἀναμμνήσκω). **καταβαίνειν**: i.e. from the speaker's stand, i.e. stop speaking. **γεγενημένας**: *that have happened*. **παραδείγματα**: *as* (warning) *examples*. **ἤρχεσθε**: *were ruled*. **ἡττηθέντες** (ἡττάομαι): concessive. See on § 5. **τὸ ἴσον**: *equal rights*.

65 **τοῖς νικήσασι**: i.e. the democrats. H. 773; G. 1175. **νικήσαντες**: conditional. See on § 1; also H. 895; G. 1397. **τούτοις**: i.e. the Thirty. As it has turned out, the 3000 of the city, though conquered, have the same rights as their conquerors, whereas if the Thirty had conquered, they would still be the slaves of the Thirty, who would still be in power.

93. **ἐκ τῶν πραγμάτων**: *as a result of the trouble*, i.e. war. **ἐλάττους**: sc. οἴκους. Cf. Xen. Oec. VI, 4: οἶκος δ' ἡμῖν ἐφαίνετο ὅπερ κτῆσις ἡ σύμπασα. **συνωφελεῖσθαι**: *to share the benefits*; note the

force of *συν* in composition. **συνδιαβάλλεσθαι**: *to share in their infamy*. **τῶν ἀγαθῶν**: construction? See on § 48. **ἐκτῶντο**: imperfect of attempted action. See on § 58. **εὖνους**: sc. **ὑμᾶς**. The Thirty tried to involve as many as possible in their guilt. See on § 30. **ᾠοντο** (*οἴομαι*).

94. **ἐν τῷ θαρραλέῳ**: *in a position of confidence*, because of the restoration of the democracy. **ἀνδρῶν . . . ἀρίστων**: i.e. the democracy. **τοῖς πολεμίοις**: H. 772; G. 1177. **τῶν ἐπικούρων**: i.e. the Spartan soldiers on the Acropolis of Athens. H. 742; G. 1102. **φύλακας**: appositive to **οὕς**. The seven hundred Spartans placed on the Athenian Acropolis are meant. See App. II, 4.

95. **ὄντων**: concessive, as in § 18. **μάχας**: see on § 20. **ἀλλοτρίᾳ**: sc. **γῇ**. **τὰ ὅπλα**: H. 724, a; G. 1069. **ἐξῃτοῦντο** (**ἐξαιτέω**). The Thirty demanded of various cities to deliver up the fugitives who had taken refuge with them. Cf. Diod. XIV, 6: **Λακεδαιμόνιοι . . . ἐψηφίσαντο τοὺς Ἀθηναίων φυγάδας ἐξ ἁπάσης τῆς Ἑλλάδος ἀγωγίμους τοῖς τριάκοντα εἶναι.**

66 96. **τοὺς μὲν . . . τοὺς δέ**: *some . . . others*. **ἱερῶν**: *temples*. **φονέας αὑτῶν**: *murderers of themselves*, by compelling them to drink the hemlock. **ταφῆς**: see on § 20. **νομιζομένης**: *customary*. According to the notions of the ancient Greek and Romans, it was a most serious misfortune to be denied burial rites. See on § 36. **εἴασαν**: what is peculiar about the augment? See on § 18. **τιμωρίας**: construction? See on § 1. The Thirty thought that not even the gods could do them harm.

97. **διέφυγον**: in the third person, while **ἦλθετε** below is in the second. **πανταχόθεν ἐκκηρυττόμενοι**: many cities in sympathy with the oligarchs, or fearing the power of Sparta, refused to shelter the exiled democrats. **τῶν ἐπιτηδείων**: see on § 44. **οἱ μὲν . . . οἱ δέ**: see on § 96. **πολεμίᾳ**: (then) *hostile*. **πατρίδα**: i.e. Athens. **πολλῶν . . . Πειραιᾶ**: see App. II, 5. **τοὺς μὲν** and **τοὺς δέ** refer to the two classes of children mentioned above.

98. **τούτων**: H. 748; G. 1099. **τρόπους**: *character, proceedings*. **τούτων**: the Thirty. **ἅ** refers to *ἱερά* and *βωμοί*. H. 628; 615, 2; *G. 1021*, a; 924, a. **καί**: *even*. People often saved themselves

from harm by fleeing to an altar, as they could not be disturbed while there. Theramenes, to be sure, was forcibly dragged from the altar to which he had fled, by the eleven executioners in the service of the Thirty; but the Thirty were a law unto themselves, and acted accordingly. **ἐνθάδε**: i.e. in Athens. **ξένης**: sc. **γῆς**. **συμβουλαίων**: *loans, debts*. **ἐρημίᾳ**: *through lack*. Debtors often were compelled to work out the amount of their loans if they could not pay them in any other way. Cf. Isoc. XIV, 48: *τοὺς παῖδας . . . πολλοὺς μέν μικρῶν ἕνεκα συμβολαίων δουλεύοντας, ἄλλους δ' ἐπὶ θητείαν ἰόντας*. Notice that the condition at the beginning of this section is *past* contrary to fact, while the several verbs in the conclusion (except **ὠφέλησεν**) are in the imperfect tense, or *present* contrary to fact.

99. **ἀλλὰ γάρ**: *but* (enough of this) *for*, indicating a change of subject. **ἱερῶν**: *temples*, including their treasures and belongings. **τὰ μὲν . . . τὰ δέ**: appositives to **ἅ**. **ἀπέδοντο**: *sold*. **ἐμίαινον**: e.g. by entering them when guilty of murder. **νεωρίων**: *shipyards*. **οἷς**: with the imperative. See on § 60.

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100. **αὐτούς**: i.e. the dead. The ancient Greeks believed the departed spirits were conscious of what was taking place in this world. **εἴσεσθαι** (**οἶδα**): *will be aware*. **αὐτῶν**: i.e. the dead. **κατεψηφισμένους ἔσεσθαι**: future perfect. H. 467, a; G. 706. **ἀκηκόατε**, etc.: note the asyndeton, or the absence of connectives, giving added strength to the climax. **ἔχετε**: i.e. the culprits in your power. Cf. Lycurgus, Leocrates, 27: *τοῦτον ἔχοντες ἐν τῇ ὑμετέρᾳ ψήφῳ οὐκ ἀποκτενεῖτε;*

For remarks on the probable verdict, see Introduction to the speech (near the end).

## Additional References on the Subject Matter of the Oration against Eratosthenes.

On § 6. Gilbert: Handbuch der Griech. Staatsalt. I, p. 168 f.
On § 7. Meier and Schoemann: Att. Process, p. 784.
On § 8. Meier and Schoemann: Att. Process, p. 304.
On § 11. Head: Historia Nummorum, pp. 449, 698.
On § 18. Hermann: Privatalt. p. 362 ff.

On § 18. Becker's Charicles (Eng. trans.), p. 385 ff.
On § 20. Gilbert: Antiquities, pp. 359, 364.
Gow, pp. 136, 137.
Smith: Dictionary of Antiquities, under *choragus*.
On § 40. Aristotle: Resp. Ath. 37, 2; Xen. Hellen. II, 3, 20 ff.
On § 42. Meier and Schoemann: Att. Process, p. 464.
On § 43. Curtius: History of Greece, III, p. 563.
On § 52. Curtius: History of Greece, III, p. 540 ff.
On § 87. Aeschines, III, 235.
On § 95. Xen. Hellen. II, 4, 1; Diod. XIV, 6.

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## FOR MANTITHEUS

**§§ 1–3.** *The speaker glad of an opportunity to review his life, and confident of a favorable result.*

**70** 1. **εἰ μὴ συνῄδειν . . . τοῖς κατηγόροις**: H. 895; 982; G. 1397; 1588. Compare the opening of Oration XXIV; also Isoc. XIX, 2. **ἐκ πάντος τρόπου**: *in every way*. **κακῶς ἐμὲ ποιεῖν**: H. 712; G. 1073; 1074. **χάριν· εἶχον**: see Idioms. Peculiarity of augment in *εἶχον*? H. 359; G. 537, 1. **κατηγορίας**: genitive of cause. H. 744; G. 1126. **τούτους**: i.e. the accusers. **ἀγαθῶν**: H. 753, e; G. 1139; 1140. **αὐτούς** refers to *τοῖς διαβεβλημένοις*. **ἀναγκάζωσιν**: construction? H. 914, B, 1; G. 1431, 1. **εἰς ἔλεγχον καταστῆναι**: *to stand an investigation*. **τῶν αὑτοῖς βεβιωμένων**: *of the acts of their lives*. Literally what? Construction? H. 769; G. 1186.

**71** 2. **καὶ εἰ**: *even if*. **διακείμενος**: *disposed*. H. 984; G. 1578; 1586. **ἐμοῦ**: H. 742; G. 1102. **ἀκούσῃ**: H. 916; G. 1434. **μεταμελήσειν αὐτῷ**: *he will repent*. What kind of a verb is *μεταμελήσειν*? For the tense, see H. 948, a; G. 1286. **ἡγήσεσθαι**: *consider*.

3. **ἀξιῶ**: *I ask*. **ἀποδείξω**: what kind of condition? H. 898; G. 1403. **καθεστηκόσι** (*καθίστημι*). **πράγμασι**: *established government*, i.e. the democracy. *πράγματα* is often used in this sense. ***αὐτῶν***: meaning? H. 679; G. 989, 2. **κινδύνων**: H. 737; G.

1097, 2. ὑμῖν: *as you*, with τῶν αὐτῶν. H. 773, a; G. 1175. μηδέν πώ μοι πλέον εἶναι: *that it shall be nothing in my favor*, i.e. if I can show *only* what is stated in the preceding clauses, I ask no favors. Cf. Antiphon, V, 95: τί ἔσται πλέον τῷ γε ἀποθανόντι; For εἶναι, as the conclusion of ἐὰν ἀποδείξω, see H. 898, a; G.M.T. 445. φαίνωμαι: meaning in the middle and passive voices? περὶ τὰ ἄλλα: *concerning the remaining points* (of my life). βεβιωκώς: H. 981; 986; G. 1578; 1588. παρὰ τὴν δόξαν: *contrary to the reputation* that they wish to give me. ὑμῶν: H. 743, a; G. 1114. ἐπὶ τῶν τριάκοντα: *in the time of the Thirty* (Tyrants). See App. II, 3 and 4. πολιτείας: i.e. the government of the Thirty. See on κινδύνων. In this introduction, Mantitheus says that he is glad of an opportunity to rehearse the events of his life, and expresses the belief that his record will stand the test of an examination.

§§ 4–8. *Facts in the speaker's life, and the documents as well argue innocence.*

4. Ἑλλησπόντῳ: see Map. συμφορᾶς: i.e. at Aegos Potami, 405 B.C. See App. II, 1. ὡς Σάτυρον: *to Satyrus*. See Biog. Index. Πόντῳ: see Map (Asia Minor). διαιτησομένους: what use of the participle? H. 969, c; G. 1563, 4. τῶν τειχῶν καθαιρουμένων: genitive absolute. H. 970; G. 1568; 1563, 1. The reference is to the destruction of the walls of Athens at the close of the Peloponnesian war. See App. II, 2. ἐπεδημοῦμεν: *were we living at home*, i.e. in Athens. μεθισταμένης: *was undergoing a change*, i.e. from a democracy to an oligarchy. This and the preceding participle are imperfect in time. H. 856; G. 1288. ἤλθομεν: *we came home* (to Athens). πρίν: what constructions are used with this word? H. 924, a; G. 1469–1473. τοὺς ἀπὸ Φυλῆς: *the party from Phyle*. See App. II, 4 and 5. Πειραιᾶ: *the Peiraeus*, the harbor town of Athens (see Map). κατελθεῖν: *came back*, often used of the return of exiles. πρότερον πρίν: *before*; best translated by a single word. ἡμέραις: construction? H. 781; G. 1184.

5. τῶν ἀλλοτρίων κινδύνων: i.e. of the Thirty Tyrants, by aiding them in their attempt to gain power. See on § 3. ἐκεῖνοι: i.e. the

Thirty. ἔχοντες: see on § 3. μηδὲν ἐξαμαρτάνουσι: *guilty of no wrong*. μεταδιδόναι: *to give a share*, while μετέχω means *to have a share*. πολιτείας: i.e. the government of the Thirty. See on § 3. καί: *even*. τὸν δῆμον: i.e. the democracy. The Thirty would surely not be inclined to give those who had had no part in their infamy a share in their government, seeing that they in some cases dishonored those who had helped them. Hence, the natural inference that Mantitheus was in no way connected with them in their wicked reign, and consequently should be acquitted, is the argument.

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6. ἔπειτα: *in the next place*, introducing another point. σανιδίου: *list*. See Introduction to the oration. εὔηθες: *foolish*. ἐκεῖνος: i.e. what follows. φυλάρχους: captains of cavalry, ten in number, one for each tribe. ἀπενεγκεῖν (ἀποφέρω): *to report*. καταστάσεις: *the cost of equipment*. ἀναπράττητε: *recover, get back*. Construction? H. 881, a; G. 1369. The democracy, after its restoration, sought to recover the money expended in equipping the cavalry that had served against it in the time of the Thirty.

7. ἂν ἀποδείξειεν: construction? H. 872; G. 1327; 1328. ἀπενεχθέντα (ἀποφέρω). συνδίκοις: *board of commissioners*. αὐτοῖς: emphatic, agreeing with φυλάρχοις. ἐκείνοις τοῖς γράμμασιν: i.e. those of the phylarchs. τούτοις refers to the list contained in the σανίδιον.

8. εἴπερ ἵππευσα: what kind of condition? H. 895; G. 1397. οὐκ ἂν ἦν ἔξαρνος: *I should not deny* (it). What part of speech is ἔξαρνος? ὡς: meaning with the participle? H. 978; G. 1574. ἠξίουν: sc. ἄν. πέπονθε (πάσχω). γνώμῃ: construction? H. 777; G. 1183. βουλεύοντας: *are senators*. κεχειροτονημένους: what is the derivation? ὥστε: different constructions with this word? H. 927; 953; G. 1449; 1450. ἡγεῖσθε: imperative. ἀνάβηθι: i.e. on the witness stand. See App. III, 5.

The case proper closes here. The next section forms a very graceful transition to the rest of the oration, in which Mantitheus rehearses with evident pride his career both as a private and as a public citizen.

§§ 9–19. *The speaker's private and public life in his favor.*

**73** 9. **ὅ τι**: *why*; adverbial accusative. **ἀγῶσι**: *trials*. **ὡς . . . βραχυτάτων**: *as briefly as I can*. See on XII, 3. **δύνωμαι**: H. 916; G. 1434.

10. **καταλειφθείσης**: concessive; genitive absolute with **οὐσίας**. H. 971, c; G. 1568; 1563, 6. **καὶ τὰς . . . καὶ τάς**: *both those . . . and those*; in partitive apposition to **συμφοράς**, *misfortunes*. **ἐξέδωκα**: *I gave in marriage*. In case the father was dead, the sons looked after the apportioning of their sisters. Sometimes, when a family was very poor, a rich friend furnished the dowry, — a very important matter with the bride. **ὥστε**: see on § 8. **ἐμοῦ**: genitive after **πλέον**, with **ἤ** omitted. H. 755; 643; G. 1153. **τῶν πατρῴων** limits **πλέον**. **ἄλλους**: *other people*.

11. **τεκμήριον**: explained by the following **ὅτι** clause. **κύβους**: quite like our dice. **τὰς διατριβὰς ποιούμενοι**: *to spend their time*. See on § 2. **πλεῖστα**: *most*. **τῶν αὐτῶν**: H. 742; G. 1102. Mantitheus says that he was not a gambler nor a toper, and hence was not popular with the evil classes.

12. **ἔτι δ'**: *and further*. **δίκην**: *private suit*. **γραφήν**: *public suit*. **εἰσαγγελίαν**: *impeachment* for some offense not provided for by the regular statutes. See App. III, 1.

**74** 13. **πρός**: *with*. **Ἀλίαρτον**: in central Greece (see Map). A battle was fought here between the Boeotians and Spartans 395 B.C., in which the noted Lysander, so prominent in the closing scenes of the Peloponnesian war, lost his life. The Athenians started to aid the Boeotians, but arrived too late to take part in the battle. **Ὀρθοβούλου**: see Biog. Index. **κατειλεγμένος**: *listed, enrolled*. **νομίζοντας** agrees with **πάντας**, and governs **δεῖν**. **κίνδυνον**: sc. **εἶναι δεῖν**. **ἡγουμένους**: a synonym of **νομίζοντας**, probably used to avoid repeating the same word. **ἀδοκιμάστων**: i.e. as regards civic rights. **παρά**: *contrary to*. **ἔφην** = **ἐκέλευον** in force. Cf. Xen. Cyr. IV, 6, 11: **ἃ οἱ μάγοι ἔφασαν τοῖς θεοῖς ἐξελεῖν**. **ἄδειαν**: object of **παρασκευάσαντα**. **ἀνάβηθι**: see on § 8.

14. **τῶν δημοτῶν**: *the members of the deme*; i.e. to which I be-

longed. The soldiers were arranged each in his own deme. **ἐφοδίων**: H. 743; G. 1112. Derivation? **δραχμάς**: see App. VI. **ὡς**: see on § 8. **κεκτημένος** (*κτάομαι*) means what in the perfect tense? **γένηται**: could the optative have been used here? H. 881, a; G. 1369.

15. **Κόρινθον**: see Map. The reference is to the Corinthian war (394–387 B.C.), so called from a battle fought near Corinth. In this war Thebes, Athens, Corinth, and Argos were united against Sparta. It was closed 387 B.C. by the Peace of Antalcidas, a peace imposed on the Greek world by the Persian king, at the instance of the Spartan Antalcidas. **ἀναδυομένων**: *were holding back*. **τῆς πρώτης**: sc. *τάξεως*. **πολεμίοις**: H. 772; G. 1175; 1177. **ἐναποθανόντων**: note the force of *ἐν*. **Στειριῶς**: genitive after *ὕστερος*. See on § 10. See Meist. § 55, 9, on the form. The reference is to the patriot Thrasybulus, who was said to be rather pompous and lofty in bearing. He had rendered conspicuous service in the cause of the democracy against the Thirty Tyrants. He is called the Steirian, from *Στειριά*, the deme to which he belonged. See Introduction to the oration, App. II, 5, and Biog. Index.

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16. **ἡμέραις**: see on § 4. **ἐν Κορίνθῳ**: take with what follows. **κατειλημμένων** (*καταλαμβάνω*). **Ἀγησιλάου**: see Biog. Index. **ἐμβαλόντος**: causal. H. 971, a; G. 1563, 2; 1568. **βοηθήσουσι**: H. 911; G. 1442. **ἀγαπητῶς**: *with a feeling of pleasure*. Cf. Dem. XIX, 219: *τὴν εἰρήνην ἐποιήσασθ' ἀγαπητῶς*. **ὀλίγῳ**: see on *ἡμέραις*. **ταξίαρχον**: taxiarch, a commander of a division of infantry. There were ten, one from each tribe. **ἀκληρωτί**: i.e. for the purpose of determining the companies to execute some dangerous order.

17. **τοῖς . . . ἀξιοῦσι**: H. 764, 2; G. 1160. **τὰ μέν**: *the affairs*. **τὰ προσταττόμενα**: *the* (duties) *enjoined*. **διὰ ταῦτα**: i.e. my faithful services as a citizen. **νομιζόμενος**: *being regarded*. **δικαίων**: H. 739; G. 1099.

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18. **χρόνον**: H. 720, a; G. 1062. **ποιούμενος**: H. 981; G. 1578; 1587. **τοὺς . . . πολιτευομένους**: object of *σκοπεῖν*. **ἐκ τῶν τοιούτων**: i.e. from their excellent services. **κομᾷ**: *wears long hair*; unusual at this time in Athens, except in case of cavalrymen and very fashionable young men, in imitation of the Spartans. The

Athenian youth, as a whole, cut off their hair on attaining the age of eighteen years. **τὸ κοινόν**: *the public welfare.* **ὠφελεῖσθε**: *you are benefited.*

19. **ἄξιον**: sc. **ἐστί**. **ὄψεως**: *appearance.* **μικρὸν διαλεγόμενοι**: *speaking in low tones.* **κακῶν**: see on § 1. **τῶν τοιούτων**: H. 742; G. 1102. **κἀγαθὰ ὑμῖν εἰσιν εἰργασμένοι**: H. 464; 725, a; G. 701; 1073.

§§ **20–21.** *His early ambition to serve the state, prompted by worthy examples, not to be counted against him.*

20. **τινων**: H. 742; G. 1102. **ᾐσθόμην** (**αἰσθάνομαι**). **νεώτερος**: *somewhat young.* H. 649, b. **ἔπειτα**: see on § 6. **φιλοτιμότερον**: comparative of the adverb. **τοῦ δέοντος**: *than is fitting.* See on § 10. **πέπαυνται**: meaning in the middle voice?

21. **ἀξίους τινός**: *worth anything.* **ἐπαρθείη** (**ἐπαίρω**): *be eager.* See on § 7. **τοῖς τοιούτοις**: see § 17. The meaning of the last sentence is: You should not be displeased with such people, as you have always deemed those worthy of the greatest regard who promptly come forward to serve their country in any worthy capacity. So you, if any, are to blame for my seeming boldness. Cf. Thuc. II, 40, 2: *τόν τε μηδὲν τῶνδε* (*public matters*) *μετέχοντα οὐκ ἀπράγμονα ἀλλ' ἀχρεῖον νομίζομεν.*

ADDITIONAL REFERENCES ON THE SUBJECT MATTER OF THE ORATION FOR MANTITHEUS.

On § 4. Gilbert: Griech. Staatsalt. II, p. 188.

On § 7. Xen. Hellen. II, 3, 51.
Meier and Schoemann: Att. Process, p. 124.
Aristotle: Resp. Ath. 36, 2.

On § 10. Boeckh: Staatsh. I, p. 598.

On § 13. Aristotle: Athen. Polit. ch. 49, p. 123.
Hicks: Greek Inscriptions, p. 122.
Corpus Inscriptionum Atticarum, II, 6.

On § 14. Boeckh: Staatsh. I, p. 340.

On § 19. Theophrastus: Charicles, 4; Dem. XXXVII, 52.

On § 21. Thucydides, II, 40, 2.

## AGAINST THE GRAIN DEALERS

§§ 1–4. *The plaintiff not prompted by spite, as shown by his conduct at the preliminary investigation.*

**79** 1. **θαυμάζοντες**: because, as appears from § 2, he, at first, seemed to be in sympathy with the grain dealers. **τῶν σιτο-**

**80** **πολῶν**: see on XII, 37. **ὡς μάλιστα**: *in the greatest degree.* Emphatic superlative. Cf. Plato, Euthyphro, 4, D: **εἰ ὅτι** *μάλιστα ἀπέκτεινεν.* See H. 651. **καί**: *even.*

2. **πρυτάνεις**: *prytanies*, or presidents of the Senate. **ἀπέδοσαν**: *referred*, i.e. for discussion. **αὐτοῖς**: i.e. the grain dealers. **τοῖς ἕνδεκα**: police officers that looked after the execution of sentences. **ζημιῶσαι**: purpose. H. 951; G. 1532. **τὴν βουλήν**: subject of **ἐθίζεσθαι**. **δοκοίη**: *seemed best.* H. 932, 2; G. 1481, 2. **ἡμῶν**: see on VII, 30. **ἀπολωλέναι**: differs how in meaning from the first perfect of the verb?

3. **ταῦτα**: H. 724, a; G. 1239. **ἐποιούμην**: H. 935, b; G. 1487. **πρός**: *before.* **κρίσις**: i.e. the preliminary investigation, corresponding to the *ἀνάκρισις* of a court trial. See App. III, 4. **ἔργῳ**: cf. XII, 6. **τῶν ἄλλων**: i.e. the speakers. **κειμένοις**: *established.*

4. **ἠρξάμην**: i.e. in the *βουλή*, or Senate. **τούτων**: i.e. the slanderous utterances as to my motives. **πρὶν ἄν**: with the subjunctive, because of the negative force of the preceding clause. H. 924; 921; G. 1469; 1471, 2. **βούλησθε**: H. 916; G. 1434.

§§ 5–10. *The grain dealers' statements, when examined, shown to be false and worthless as a defense.*

5. **ἀνάβητε**: i.e. on the witness stand. Plural, because addressed to the whole group. See App. III, 5. **πεισόμενος**: meaning of the middle voice of *πείθω*. What use of the future participle? See on

**81** XII, 16. **ἄλλο τι**: H. 1015, b; G. 1604. **ἐφ' οἷς**: *for which*, plural, since **τι**, its antecedent, is used in a collective sense. **φορμῶν**: see on VII, 30. **ὧν**: cf. on XII, 35. **ἀρχόντων**: *officers*, i.e. grain inspectors. Note the evasion of a direct answer to the question.

6. **ἀποδείξῃ**: H. 898; G. 1403. **δίκαιον**: sc. *ἐστί*. **παρεσχόμεθα τὸν νόμον**: probably at the preliminary examination in the Senate mentioned in § 3.

7. **ἀπαγορεύων**: H. 981; 986; G. 1578; 1588. **ὀμωμόκατε** (*ὄμνυμι*): i.e. as jurors. Cf. Aesch. III, 6: *ὁ νομοθέτης τοῦτο πρῶτον ἔταξεν ἐν τῷ τῶν δικαστῶν ὅρκῳ· ψηφιοῦμαι κατὰ τοὺς νόμους*. **καί**: not *and*.

8. **ἐκείνους**: i.e. the inspectors. **ἀνέφερον**: see on XII, 28. **ἠρωτῶμεν**: *questioned* (them) at the trial. **Ἄνυτος**: a grain inspector of the previous year. **χειμῶνος**: H. 759; G. 1136. **τίμιος**: *high*. **ὑπερβαλλόντων**: causal of attempted action. Cf. Andoc. I, 134: *ἐπεὶ δ' οὐκ ἀντωνεῖτο οὐδείς, παρελθὼν ἐγὼ εἰς τὴν βουλὴν*
**82** *ὑπερέβαλλον*. **τούτους**: i.e. the grain dealers. Subject of *πρίασθαι*. **ὡς ἀξιώτατον**: *as cheaply as possible*. **κἂν**: *even if*. **ὀβολῷ**: dative of degree of difference. See App. VI.

9. **καταθέσθαι**: *to store up*. Cf. Xen. Anab. I. 3, 3: **οὓς** (*δαρεικοὺς*) *ἐγὼ λαβὼν οὐκ εἰς τὸ ἴδιον κατεθέμην ἐμοί*. **ἀντωνεῖσθαι**: and thus run up the price in the wholesale market, as that would make the retail price higher. **ἐπί**: see on VII. 9.

10. **ὡς μάλιστα**: see on § 1. **τούτων**: i.e. the inspectors. **καὶ . . . καί**: *both . . . and*. **μὴ πειθομένους**: why not **οὐ** instead of *μή*? See on XII, 85. **τούτοις** refers to *νόμοι*.

## §§ 11–16. *The grain dealers' plea regarding the motives plausible but unsound.*

11. **ἀλλὰ γάρ**: see on XII, 99. **ἐλεύσεσθαι**: *resort*. On this reading, see Lobeck, Phryn. p. 37 f.; also Rutherford, New Phryn. p. 110, and G.M.T. 30. **ἐν τῇ βουλῇ**: i.e. at the preliminary trial. See on § 3. **τῆς πόλεως**: objective genitive. H. 729, c; G. 1085, 3.

12. **ἔπραττον**: note the force of the imperfect tense. **τιμῆς**: construction? H. 746; G. 1133. **συνεωνημένος**: sc. *σῖτος*. **ἐπέλιπε**: *failed*, i.e. was used up. **νῦν δ'**: see on VII, 1. **δραχμῇ**: see on XII, 89; also App. VI. **κατὰ μέδιμνον**: *by the measure*. The dealers had acted unfairly in that they raised the selling price as if they had bought often and in small quantities, whereas, seeing that

they had bought a large quantity, they should have had one selling price, an obol in advance of the purchasing price, as provided by law.

**83** 13. **εἰ**: see on VII, 7. **εἰσφοράν**: see on XII, 20; also App. V, 2. **τῇ ὑμετέρᾳ**: instead of **ὑμῶν** (objective genitive). H. 694; G. 999. **αὐτοῖς καὶ τοῖς ἄλλοις**: i.e. they and other people have not the same interests. **κακοῦ**: *misfortune*. **πωλῶσιν**: H. 913; 914, B (1); G. 1428, 2; 1431, 1.

14. **τὰς μὲν . . . τὰς δέ**: *some . . . others*. **τῶν ἄλλων**: H. 643; G. 1153. **λογοποιοῦσιν**: *invent*. **Πόντῳ**: see Map. Large quantities of grain came to Athens from that source. The methods of speculators to raise the price of commodities seem to have been somewhat like those of the present day.

15. **ἔχθρας**: genitive. See on XII, 22. **τυγχάνητε**: see on 13. **διαφερώμεθα**: *bicker*. **ἄν**: *if*. **ὁπόσου-τινος-οὖν**: genitive of price. See on 12. **ἀπέλθωμεν**: *get away*. **πολιορκούμεθα**: because grain is so high.

**84** 16. **ἐπί**: *over, in charge of*. **ὠνίοις**: *wares*. **χωρίς**: *separately*. **ἐκείνων**: the grain inspectors. **ὄντων**: concessive. **τούτων**: the grain dealers. **πονηρίας**: construction? H. 741; G. 1109.

### §§ 17–22. *Their acknowledgment of their guilt in combining against the importers a sufficient warrant for death.*

17. **ἐπί**: *against*. **συνίστασθαι**: *combined*. The retailers probably bought up a large quantity of grain, and then forced the importers to sell to them at their own price. Naturally, grain ships would avoid such a port. **τοῖς εἰσπλέουσιν** = **τοῖς ἐμπόροις**. **ἄλλην**: i.e. other than the one already made, that they bought grain only on the advice of the magistrates. See § 5. **ἐφ'**: see on XII, 26. **ὑμῖν**: sc. **ἦν ἄν**. **ὁποτέροις**: i.e. which of the two sides in the case. **ἂν δόξαιτε . . . εἰ ἀφήσετε**: H. 901, b; G. 1421, 2.

18. **αἰτίαν**: i.e. brought against them. **πιστοτέρους**: *more credible*. **ἂν εἴη . . . εἰ ἐπιθυμεῖτε**: H. 901, b; G. 1421, 1. **τῶν ἀρνουμένων**: rather than those who confess their guilt.

19. **καὶ μὲν δή**: *and what is more.* **ἀγῶνες**: *trials.* **κοινότατοι**: *of very great general interest.* Cf. Isoc. V, 10: *νομίσας οὐδέποτ' ἂν εὑρεθῆναι καλλίω ταύτης ὑπόθεσιν οὐδὲ καινοτέραν οὐδὲ μᾶλλον ἅπασιν ἡμῖν συμφέρουσαν.* **ἔσεσθε**: we should expect **ἔσεσθαι**, dependent on **ἡγούμενοι**. **βούλωνται**: H. 916; G. 1434.

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20. **τῶν παρεληλυθότων**: *the past.* **παραδείγματος**: *warning.* **μόγις**: *barely;* i.e. even under restraint, they will be hard enough to bear. **τέχνης**: *business.* **σώματος**: *life.* **καθ' ἑκάστην ἡμέραν**: *each day.*

21. **καὶ μὲν δή**: see on § 19. **οὐδ' ἄν**: *not even if.* H. 901, a; G. 1421, 2. **τῶν πολιτῶν** limits *τούτους*, the omitted antecedent of *οἵ*. **ἀπέθνῃσκον**: i.e. of hunger. Note the tense. On the form, see Meist. p. 50. **οὗτοι**: i.e. the retailers. **προθυμοτέρους** agrees with *οὕς* supplied from *οἷς*. **πύθωνται**: see on § 13. **καπήλων**: *hucksters;* a contemptuous name applied to the retailers.

22. **ὅ τι**: see on XVI, 9. **ὅτου**: *for what;* genitive of crime. H. 745; G. 1121. **τιμιώτερον**: an appeal to personal advantage as well as to justice, the so-called *ad captandum* argument.

ADDITIONAL REFERENCES ON THE SUBJECT MATTER OF THE ORATION AGAINST THE GRAIN DEALERS.

On § 2. Aristotle: Athen. Polit. ch. 43.
Gow, p. 118.
Hermann: Staatsalt. p. 488.
Gilbert: Antiquities, pp. 271, 256.

On § 17. Arlstotle: Athen. Polit. ch. 51.

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## AGAINST PANCLEON

**§§ 1–8.** *Inquiries showing Pancleon's statement regarding his citizenship false.*

1. **ὀρθῶς**: i.e. before the proper officer, the Archon Polemarch, who presided at the **ἀνάκρισις** or preliminary trial

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(App. III, 3, 4, and 7) of cases in which metics or resident foreigners were involved. **τὴν δίκην ἔλαχον**: see Idioms.

2. **ἐπί**: *to*, not *into*, as an officer was not allowed to enter a man's house to serve a warrant. He might, however, call the man outside, or meet him on the street, and then read the warrant. **προσκαλεσάμην**: *summoned*, before the Polemarch. **εἰπόντος**: causal. **τούτου**: i.e. Pancleon. **εἴη**: see on XII, 2. **ὁπόθεν δημοτεύοιτο**: *to what deme he belonged*. The people of Attica were divided into ten tribes, and each tribe into ten demes. **καὶ πρὸς τὴν φυλήν**: *also before the tribe*. **ἦστινος**: predicate genitive. H. 732, a; G. 1094, 1. **Δεκελειόθεν**: *in the deme of Decelea*, sc. **δημοτεύοιτο**. **πρὸς τοὺς . . . δικάζοντας**: *before the judges for the Hippothontian* (tribe), of which Decelea was a deme. These judges, forty in number for each tribe, attended to judicial matters in which any of the ten demes comprised in it were concerned. By going to the tribe as well as to the deme, the speaker seeks to make himself doubly sure regarding Pancleon's status.

3. **κουρεῖον**: the barber shops then, as now, were great places for gossip. **παρά**: (along) *by*. **Ἑρμᾶς**: *the Hermae*. These were square pillars, topped with the head of Hermes, in the market. **ἵνα**: *where*. **προσφοιτῶσιν**: *resort, come together*. **τε**: *and*; used as a simple connective. **ἐξευρίσκοιμι**: H. 914, B, 2; G. 1431, 2. **τὰς μέν . . . τὰς δέ**: see on XXII, 14. **φεύγοι**: *was defendant* in suits then pending. **ὠφλήκοι**: *had lost*, i.e. in the past. The fact that Pancleon had been convicted before the Polemarch showed that he was a metic.

4. **δέ** is often omitted after **ἔπειτα**, even when **μέν** precedes it. Cf. Dem. De Corona, 1: **πρῶτον μέν, ὦ ἄνδρες Ἀθηναῖοι, τοῖς θεοῖς . . . ἔπειθ' ὅ πέρ ἐστι**, κτλ. **καταδικασαμένων**: meaning of this verb in the middle voice? **ἐπίλαβε**: *stop*; addressed to the one in charge of the water-clock (*clepsydra*). The flow of water was stopped when witnesses were examined and documents read, and reopened when the speaker continued his discussion.

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5. **ἀντεγράψατο**: *put in a counter plea*. **εἰσαγώγιμον**: *admissible*, *i.e.* before the Polemarch. **περὶ πολλοῦ ποιούμενος**: see Idioms.

**ὑβρίζειν**, *to be insolent*, depends on *βούλεσθαι*. **δίκην λάβειν**: see Idioms. **ὧν**: attracted into the case of the omitted antecedent (a genitive of cause).

6. **ἐκείνῳ**: dative of possession with *ὄντα*. **δή**: *then, naturally*. **ἀγνοοῦντες**: causal. **ἐλθόντα**: *by going*. **χλωρὸν τυρόν**: *green cheese* (market); metonomy. Cf. Aristoph. Frogs, 559: *τὸν τυρόν γε τὸν χλωρὸν τάλαν ὃν οὗτος αὐτοῖς τοῖς ταλάροις κατήσθιεν*. **ἕνῃ καὶ νέᾳ**: *the last day of the month*. The new month began on the evening of the last day of the old month. This was the time when bills were presented and paid, and general accounts settled. Many people were likely to be in town then. At such a time, the orator means, he could inquire of many Plataeans about Pancleon, who claimed to belong to them. For the form *ἕνῃ*, see Meist. pp. 66, 130.

7. **οὐδενί**: dative of possession with *ὄν*. **ἀφεστῶτα**: used of a slave who had run away from his master. Cf. Thuc. I, 139, 2: *ἀνδραπόδων ὑποδοχὴν τῶν ἀφισταμένων*. **τέχνην**: *business*.

§§ 9–12. *Pancleon, a runaway slave, now saved by bullies.*

**89** 9. **ἡμέραις**: see on XII, 89. **ἀγόμενον**: *being led off* (*εἰς δουλείαν*) into service as a slave. A citizen coming upon his runaway slave could take possession of him again. If any disputed his claim, it had to be settled before the Polemarch. **προσῆλθον**: *approached*. **τῶν τούτῳ παρόντων**: i.e. the friends of Pancleon. **ἐπὶ τούτοις**: *on these points* or *statements*. **παρέξειν**: *to produce* (him).

10. **ἀντιγραφῆς**: *counter plea* to the Polemarch at the **ἀνάκρισις**. See App. III, 3 and 4. **δίκης**: i.e. the main point of the suit. **ὅ τι λέγων**: *on what grounds?* Literally what? **ἐφ' οἷς**: (as for the points) *on which*. **ἄγειν**: i.e. into slavery.

11. **βιαιότητος**: see on XII, 22. **ἐθέλοντος**: concessive. **ποιήσαντες . . . ᾤχοντο**: agree with *οἱ παρόντες*. These friends took Pancleon off with them.

**90** 12. **ῥᾴδιον**: sc. *ἐστί*. **μὴ ὅτι**: *not only not, not to say*. **ὅστις**: *he who*. **ἐπιτηδείους**: the same as *οἱ παρόντες τούτῳ* in § 11. **τοῖς βιαίοις**: i.e. *δίκῃ βιαίων*, or suit for forcible seizure. **ἀγόντων**: see

on § 9 for meaning. **χαλεπόν (ἐστί)**. **καταστήσας**: *by producing*. **σώματος**: *freedom*.

§§ **13–15**. *Pancleon's blustering and final yielding on a former occasion when brought before the Polemarch; his temporary withdrawal to Thebes.*

13. **πολλοῦ δεῖ**: *is far from*. Literally what? **σχεδόν τι**: *pretty well*. **τι**: adverbial accusative. **ἀντωμοσίᾳ**: *pleadings*. See App. III, 4. **ἀμφισβητῶν**: (Pancleon) *claiming*. **οἱ**: indirect reflexive, not frequent in the orators. H. 685; G. 987. **διεμαρτυρήθη**: *he was affirmed on evidence*.

14. **ἐπισκηψάμενος**: *having brought suit*, i.e. for false evidence (because the witness denied that Pancleon was a Plataean). **ἐπεξῆλθεν**: *prosecute*. **ὑπερήμερος**: i.e. for the payment of damages. **ἐξέτεισε**: *settled*. On the form, see Meist. p. 145. **καθ' ὅτι ἔπειθε**: *as he persuaded him* (Aristodicus) to settle it, i.e. on the best terms that he could get.

**91** 15. **πρίν**: see on XII, 17. **αὐτῷ**: *with him*. **μᾶλλον ἢ Θήβησιν**: because the Thebans and the Plataeans had heartily disliked each other for many years.

§ **16**. *The defendant convicted by the facts.*

ADDITIONAL REFERENCES ON THE SUBJECT MATTER OF THE ORATION AGAINST PANCLEON.

On § 2. Meier and Schoemann: Att. Process, p. 88 f.
Aristotle: Resp. Ath. 53.
Gilbert: Antiquities, p. 377.
On § 6. Müller: Handbuch, 1, 562.
Gow, p. 79 f.
On § 7. Aristotle: Resp. Ath. 58, 3.
Meier and Schoemann: Att. Process, p. 619 f.
On § 9. Meier and Schoemann: Att. Process, pp. 658 f., 659.
On § 12. Meier and Schoemann: Att. Process, pp. 646, 660.
On § 13. Meier and Schoemann: Att. Process, pp. 827, 842, 848.
*On § 14.* Meier and Schoemann: Att. Process, pp. 491, 964.

## FOR THE CRIPPLE

§§ 1–4. *The attack prompted by jealousy; the objections to his receiving public aid stated.*

**94** 1. **πολλοῦ δέω**: see Idioms. Cf. the opening of Oration XVI. **χάριν ἔχειν**: see Idioms. **πρόφασιν**: *occasion*. **δοίην**: H. 1011, a (last part): G.M.T. 677. **τοῦτον**: i.e. the accuser.

**95** 2. **τούτοις**: i.e. disabled people. **ἕνεκα**: note the unusual position of this word. **συκοφαντεῖ**: this sudden stop is called aposiopesis, or reticentia. A gesture or a laugh might have taken the place of the omitted apodosis.

3. **δῆλός ἐστι**: the personal, where our idiom uses the impersonal construction. **κεχρημένος**: concessive. See on XII, 5. **συμφορᾷ**: i.e. bodily infirmity. **ἐπιτηδεύμασιν**: *pursuits*. **διάνοιαν**: *mind, intelligence*. **τὸν ἄλλον βίον**: i.e. his moral conduct. **ἐξ ἴσου**: *on a par with*.

4. **τῶν ἀδυνάτων**: predicate genitive, after **εἶναι**.

§§ 5–9. *The second objection answered.*

5. **τεκμηρίοις**: *as proofs*. **ἀναλίσκειν**: depends on **δυναμένοις**. **βίον**: *living, support*. Cf. Thuc. I, 5: *ἥρπαζον καὶ τὸν πλεῖστον τοῦ βίου ἐντεῦθεν ἐποιοῦντο*. **τυγχάνει**: sc. **ὤν**.

6. **τρίτον ἔτος τουτί**: (only) *now the third year*. Cf. Dem. LIV, 3: *ἐξῆλθον, ἔτος τουτὶ τρίτον, εἰς Πάνακτον*. **θεραπεύσουσι**: H. 911; G. 1442. **κέκτημαι**: meaning of this perfect? **διαδεξόμενον**:
**96** *to relieve*, i.e. I have no slave to do my work for me. **ἀφέλησθε . . . κινδυνεύσαιμι ἄν**: see on XXII, 21.

7. **ἔστιν**: for accent, see H. 480, 1; G. 144, 5. **ἐρρωμένῳ**: used as an adjective. **κακόν**: i.e. infirmity. **τοῦτον**: i.e. my accuser. **καί**: *even*. **ἀγρίως**: *harshly*. **διακειμένους**: see on XII, 73.

8. **εἴη . . . φαινοίμην**: kind of condition? See on XII, 83. **τότε**: emphatic.

9. **ἄν**: note its force. **χορηγός**: see on VII, 31, and App. V, 2. **προκαλεσαίμην**: *challenge*. **ἀντίδοσιν**: *an exchange of property*.

A man, when appointed to perform some liturgy (see App. V, 2), could, if he thought himself unfairly treated, challenge another whom he thought wealthier than himself to assume the liturgy, or to exchange properties with him. If the challenge was declined, a suit might follow. Many people of wealth, however, were glad of an opportunity to perform some public service, as it gave them an agreeable notoriety, as well as influence in their community. In this passage the cripple, by saying that his accuser would prefer to act as choregus ten times rather than to make a single exchange of property, emphasizes his own extreme poverty. **κατηγορεῖν ὡς**: *to say in his accusation that.* **ἐξ ἴσου**: see on § 3. **δέ**: *whereas, while.* **τοιοῦτον**: i.e. poor. **πονηρότερον**: *more wretched.* The accuser, if challenged to an exchange of properties by the defendant, would be quick to admit the latter's poverty to be as great as represented, and even worse.

### §§ 10–14. *Humorous refutation of the first objection.*

10. **ἱππικῆς (τέχνης)**: *horsemanship.* Rather high-sounding in this connection, as skill in riding is not the question here. **λόγος (ἐστί)**. **τοῦτο**: explained by the **ὅπως** clause. **φιλοσοφεῖν**: *study.* Cf. Isoc. XV, 121: **τοῦτ' ἐφιλοσόφει καὶ τοῦτ' ἔπραττεν, ὅπως μηδεμία τῶν πόλεων αὐτὸν φοβήσεται.** **ταύτην**: attracted into the gender of **ῥᾳστώνην**, *as a relief.* **τῶν ἀναγκαίων**: *of the necessary* (journeys).

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11. **ἀστράβης**: a chairlike saddle, well padded, much used by women and by sick and effeminate men. As it was used on mules, the word came, by metonomy, to mean mule. **ἀνέβαινον**: sc. **ἄν**. **ἀλλοτρίους**: i.e. borrowed horses.

12. **ὅτι**: *because, as.* **ἠτημένους**: = **ἀλλοτρίους** of § 11. Cf. Xen. Anab. V, 1, 11: **αἰτησάμενοι παρὰ Τραπεζουντίων μακρὰ πλοῖα.** **κατηγορεῖν** depends on **ἄτοπον**. **τοῦτο**: i.e. the use of two canes. **τῶν δυναμένων**: *of the able-bodied.* Predicate possessive genitive. **τεκμηρίῳ**: *as a proof.* **ἀμφοτέροις**: i.e. horses and canes. The argument of this section is, of course, absurd, no doubt purposely so.

13. **διενήνοχεν** (διαφέρω). **τοσούτους**: *so many*. Hence what your eyes see should outweigh one man's statements. **εἰ . . . πείσει**: not a future condition, but a present intention. H. 893, c; G. 1391. Cf. Xen. Anab. I, 3, 16: εἰ δὲ καὶ τῷ ἡγεμόνι πιστεύσομεν . . . τί κωλύει καὶ τὰ ἄκρα ἡμῖν κελεύειν Κῦρον προκαταλαβεῖν; **κληροῦσθαι**: *from being chosen by lot*. If I am sound in body, I am eligible to those offices from which physically disabled people are excluded by law. **τῶν ἐννέα ἀρχόντων**: (one) *of the nine archons*. See App. III, 7. **ὀβολόν**: see App. VI. **τούτῳ**: i.e. my accuser. It would be just as reasonable to consider a physically sound man like my accuser a cripple as to consider me a sound man. **οὐ γὰρ δήπου**: *for surely not*. **ἀφαιρήσεσθε**: for the different cases used with this verb, see Lex. **οἱ θεσμοθέται**: the six junior archons (see App. III, 7), who numbered among their duties that of drawing the lots for the choice of officers.

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14. **ἀλλὰ γάρ**: see on XII, 99. **τούτῳ**: see on XVI, 3. **ὥσπερ ἐπικλήρου . . . οὔσης**: *as if my misfortune were an heiress* (to my allowance). If there were sons in a family, they inherited the father's estate, if not, the daughters, called ἐπίκληροι, received the inheritance, whom, in order to keep the property thus inherited in the family, the nearest male relatives were entitled to marry. Hence the speaker calls his συμφορά an ἐπίκληρος, as dowered with his allowance. **ἀμφισβητήσων**: see on XII, 16. **αὐτῶν**: see on VII, 7. **ὅ** refers to μᾶλλον . . . λόγοις.

§§ **15–20**. *The speaker's defense of his general character.*

15. **φοβερῶς ὀνομάσειε**: *call me hard names*, e.g. ὑβριστής. **ἄν**: *if*. Supply the verb ὀνομάσῃ. **ταῦτα ποιήσων**: i.e. speak the truth.

16. **εἰκός**: sc. (ἐστί). **πολλῷ**: see on VII, 4. The poor and infirm cannot afford to be insolent, but rather the rich and strong. **διανοίαις**: *thoughts, notions*.

17. **ἐξωνοῦνται τοὺς κινδύνους**: by paying their victims a sum of money by way of settlement. **ἀξιοῦνται**: note the force of the middle voice. **ἀμφότεροι**: i.e. the young and old.

**99** 18. **πάσχουσιν**: conditional. **βουληθῶσιν**: H. 914, B (1); G. 1431, 1. **τοὺς ὑπάρξαντας (τῆς ὕβρεως)**: *those who began* (the abusive conduct). **ὥσπερ τι καλόν**: *as it were, something fine.*

19. **ὡς**: preposition. **πονηρούς** is more to the point than **πολλούς**, as it was to the character rather than to the number that objection was made.

20. **τύχῃ**: sc. **προσφοιτῶν**. **κατεσκευασμένους**: *engaged in business.* The market place was the center of business activity. **καταγνώσεται**: H. 752, a; G. 1123. **ἐκείνων (πονηρίαν κατεγνώσεται)**. **ἀμοῦγέ που (= ἄμου + γε + που)**: *somewhere or other.* **ἀμός** is Doric for **τίς**. See Kühner-Blass, § 176, n. 5.

§§ **21–27**. *His plea for a continuance of his obol a day.*

21. **ἀλλὰ γάρ**: see on XII, 99. **ὅ τι**: see on XVI, 9. **ὑμῖν**: a case of hyperbaton, or transposition of words. Take with the verb **100** **ἐνοχλεῖν**. **τῶν μεγίστων**: *the main points*, i.e. physical infirmity and great poverty. **τῶν . . . φαύλων**: *things as common as this man*, i.e. my opponent, — a thrust at the accuser.

22. **οὗ μόνου**: partitive genitive with **μεταλαβεῖν**, and limited by **τῶν**. It has the following **τούτου** for its antecedent. **ἀρχῶν**: *offices.*

23. **ἀπεστηρημένος εἴην**: the compound tenses formed with the perfect participle and the copula **εἰμί** give prominence to the result of the action denoted by the verb. **ἅ**: supply **ταῦτα**, the omitted antecedent. **προνοηθεῖσα**: *taking thought for.* Followed by the genitive. **τοιούτων**: *such*, i.e. as to vote against me.

24. **ὅτι**: causal. **οὐδ' εἷς**: more emphatic than **οὐδείς**. See on VII, 28.

25. **ἀφορμαῖς**: *conditions* requisite for such behavior. Cf. Dem. XXI, 137: **τὴν βίαν καὶ τὴν φιλοπραγμοσύνην ὁρῶντας τὴν τούτου καὶ τὴν ἀφορμήν, ἥπερ ἰσχυρὸν ποιεῖ καὶ φοβερὸν τὸν κατάπτυστον τουτονί.** **Χαλκίδα**: on the island of Euboea. See Map; also **101** XII, 95. **ἑξόν**: see on VII, 15. **ἁπάντων**: an exaggeration emphasized by its position in the sentence.

26. **μηδέν**: why not **οὐδέν**? See on VII, 1. **ταῖς ἄλλαις βουλαῖς**: *i.e.* when you granted me an allowance. **ἀρχὴν ἄρχειν**: *to hold*

*office;* cognate accusative. εὐθύνας: see App. IV (near end). ἀλλὰ . . . λόγους: almost the only touch of pathos in the oration.

27. ἔξω τὴν χάριν: see on § 1. οὕτως: i.e. by granting me an allowance. τούτων: i.e. justice. τῶν ὁμοίων αὑτῷ: *those like himself* in strength.

ADDITIONAL REFERENCES ON THE SUBJECT MATTER OF THE ORATION FOR THE CRIPPLE.

On § 6. Hermann: Privatalt, pp. 91, 399.
On § 9. Meier and Schoemann: Att. Process, pp. 738–744.
Gilbert: Antiquities, p. 361 f.
Smith: Dictionary of Antiquities, under ἀντίδοσις.
On § 11. Becker: Charicles, II, p. 14.
Hermann: Privatalt, p. 481.
On § 13. Aristotle: Resp. Ath. 7, 3; 26, 2.
Gilbert: Antiquities, pp. 153, 157.
Meier and Schoemann: Att. Process, p. 240.
Boeckh: Staatsh. I, p. 593.
On § 14. Meier and Schoemann: Att. Process, p. 614.
Smith: Dictionary of Antiquities, under *Epiclerus.*

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## AGAINST ERGOCLES

§§ 1–7. *The treachery and dishonesty of Ergocles in Asia Minor; the connivance of Thrasybulus.*

**104** 1. For ἐπίλογος in title of the oration, see Introduction. προξένους: *consuls.* ἐκ τῶν ὑμετέρων: *from your possessions.*

2. αὐτοῖς: i.e. Ergocles and his associates. ὧν: H. 741; G. 1109. καταλυομένας: *going to pieces.*

**105** 3. ταῖς εἰσφοραῖς: see App. V, 2. ἐν τῷ τέως χρόνῳ: *hitherto, up to this time.* τέως: an adverb, in the attributive adjective position. See on VII, 12. οἴκων: *estates.* ὄντων: temporal.

4. **Θρασυβοῦλος**: see Biog. Index. **ἀποδείξειν**: *render*. Note the number of infinitives that depend on **ἐπηγγέλλετο**. **οὐδένα ἄν . . . ἐπιτρέψαι** forms the apodosis.

5. **ἄλλως τε καί**: see on VII, 6. **ἐπειδὴ τάχιστα**: *as soon as*. Cf. Latin *cum primum*. **ἀπογράψαι**: *report in writing*. **πόλεων**: visited in his cruise beyond the Aegean Sea. **ἀρχαίων νόμων**: *old laws*, i.e. those pertaining to the collection of taxes from the cities of the Delian confederacy from 478 B.C. down to the time of the Peloponnesian war, when many revolted against Athens. Those old laws do not hold now as in a time of peace, because now there is in a certain sense war. **ἔχειν**: i.e. as a pledge of security.

**106** 6. **ἐκκόψῃς**: *put an end to*. **ποιήσειε**: *cause*. **καθῆσθαι**: *sit at home*. **τῶν ὑμετέρων**: H. 740; G. 1097, 2. **ἀπέλαυσαν**: *had a taste of*. **ἀλλοτρίους**: *aliens*, who were no longer bound to be loyal.

7. **ἀρξόμενοι**: *to be obedient*, i.e. subject to your authority. **χωρία**: *strongholds*. **σφετέροις αὐτῶν**: see on VII, 7. **πρὸς τούτους**: *with respect to them*, i.e. Ergocles and his accomplices.

§§ **8–11**. *The timely death of Thrasybulus; the efforts of his partners to save their lives by bribery.*

8. **τελευτήσας**: Thrasybulus lost his life when about to start for home to render an account. The speaker here says that he was fortunate in the time of his death. **ἤδη**: e.g. in his grand services in connection with the overthrow of the Thirty Tyrants fifteen years before. See App. II, 4 and 5. Cf. Xen. Hellen. IV, 8, 25–30, and Diod. XIV, 99.

9. **ὠνουμένους**: *purchasing*, i.e. by giving bribes. **ψυχάς**: *lives*. **τῶν λεγόντων**: *the speakers*, i.e. the *συνήγοροι*, or public prosecutors, appointed probably at the recent meeting of the assembly, here referred to. **παρὰ τούτου**: i.e. Ergocles. **ὧν**: H. 749; G. 1120. **ἡττήσεσθε**: *succumb*, by accepting bribes.

**107** 10. **κρίνεται**: *is on trial*. **δικαίοις** agrees with the omitted **αὐτοῖς**, referring to **ἄρχουσι**, *officers*. **ὡς πλεῖστα**: *as much as possible*. **ὑφελομένοις**: *taken secretly, embezzled*. Note the

force of ὑφ' (ὑπό) in composition. **τῷ αὐτῷ τρόπῳ . . . ᾧπερ**: i.e. by bribes.

11. **παρασκευῆς**: *intrigue.* **περὶ πλείονος ποιήσασθαι**: see Idioms.

**§§ 12–14.** *The past record of Ergocles not an offset to his recent crookedness.*

12. **Ἀλικαρνασσοῦ**: see Map (Asia Minor). **ἀρχῆς**: *command, office.* **ἀπὸ Φυλῆς κατῆλθε**: *came back from Phyle.* See App. II, 4 and 5. Ergocles will try to offset the present charges against him by calling attention to his loyal conduct in the struggle against the Thirty Tyrants.

13. **πολίτας**: predicate accusative, agreeing with **τούτους**, the omitted antecedent of **ὅσοι**. **ὑπόλογον**: *taken into account*; i.e. placed to their credit. **ἐκείνων**: refers to **τοὺς ἀδικοῦντας**, e.g. the Thirty Tyrants. See App. II.

**108** 14. **οἱ μέν**: i.e. the Thirty. **τούτοις**: such as Ergocles and his associates. An open enemy like the Thirty is preferable to dishonest officers who secretly take advantage of your confidence to rob you. **τὸ ἐπὶ τούτοις εἶναι**: *so far as these are concerned.* **τὸ . . . εἶναι**: adverbial accusative. H. 956, a; G. 1534; 1535.

**§§ 15–17.** *The condemnation of such people necessary as a wholesome example.*

15. **ἀντειλῆφθαι**: *laid hold of, obtained.* **ἐλπίς (ἐστί)**. **δυστυχήσασιν**: *if unfortunate.* **δίκην λαβεῖν**: see Idioms.

16. **ἄν . . . πεισθῆτε**: H. 898; G. 1403. **αὐτῶν**: *yourselves.* See on XII, 33. **χρήσεσθε**: *will have.* **εἴσονται χάριν**: see Idioms. **ἀνηλωμένοις (ἀναλίσκω)**: i.e. in bribes. **ἐχθράν**: *personal enmity*, i.e. you will be hated by those whom you sought to punish. **ἐκείνοις**: i.e. the money.

**109** 17. **καὶ μὲν δή**: see on XXII, 19. **ὑπὸ τούτων ἠδικημένοι**: see Introduction to the speech. **λάβητε**: as future perfect; so **σώσητε**, below. See on § 16. **ἀποδοῦναι χάριν**: see Idioms. Note the force of **ἀπο-** in composition.

We learn from the next oration, the one Against Philocrates, that Ergocles was condemned.

## AGAINST PHILOCRATES

§§ 1–5. *Accusers few because bought up by the defendant.*

**110** 1. **ἐρημότερος**: i.e. of accusers, because so many have been bought off. **ἀπειλοῦντες** (**ἀπειλέω**). **ὅ**: see on VII, 42.
**111** **οὐδενὸς ἧττον**: *second to none*. Literally what? **ἀπογραφῆς**: *indictment*. **εἶχε**: the subject refers to Philocrates. **ἀπαλλάξαι**: *escape*, by bribery.

2. **διατιθείς**: *managed*. **πόλει**: i.e. Athens. **κηδεσταῖς**: *relations*. See on XXXII, 1. **οἰκειόταθ' ἑχρῆτο**: *lived on very friendly terms*.

3. **περὶ πλείονος ἐποιεῖτο**: see Idioms. **αὐτὸν**: i.e. Philocrates. **τὸ τελευταῖον**: *finally*. Adverbial accusative. See on XII, 19.

4. **δεινόν** (**ἐστί**). **ὀλοφυροῦνται**: because of the heavy financial burdens. **τριηραρχοῦντες**: see App. V, 2. **κεκτημένος**: see on VII, 32. **ὑπέστη**: *undertook*. **λητουργίαν**: see App. V, 2. **ζημιωθησόμενον**: *to suffer loss*. See on XII, 16. **τούτου**: Philocrates. See on VII, 30.

**112** 5. **ἐκεῖνον**: Ergocles. It appears from this statement that Ergocles was condemned to death. **ὑφῃρημένον**: see on XXVIII, 10. **μηδέτερον**: note the ending **-τερος**, used in speaking of two things or divisions. Cf. **ἑκάτερος** instead of **ἕκαστος**. See on XII, 92. **δεδόχθαι**: *it has seemed good*, i.e. it is clearly proper. Note the tense, emphasizing the result of the action. Connect with **ἡγοῦμαι**. **ὑμέτερ' αὐτῶν**: see on VII, 7, for construction of **αὐτῶν**.

§§ 6–7. *Philocrates and his chief's property.*

6. **τοῖς λέγουσιν**: i.e. the public prosecutors (*συνήγοροι*). **βουλομένων** agrees with *ὑμῶν*, implied in *ὑμετέραν*. **οὗτος**: i.e. Philocrates. **κομιζόμενος**: *recovering*. **αὐτῶν**: i.e. **οἱ λέγοντες**, who had been bribed, but were afraid to appear for Ergocles, on account of the temper of the people.

7. **ταῦτα**: sc. *χρήματα*. **ἐκείνου**: Ergocles. **τόλμης**: see on XII, 22. **μαρτυρήσουσιν**: see on XVI, 16. Philocrates now tries to make out that he was a bitter enemy of Ergocles. **διαφερομένου**: *conditional*. See on VII, 1.

§§ **8–14.** *Embezzling and bribing not to be excused.*

8. **ὑμῖν αὐτοῖς**: H. 764, 2; G. 1160. **καταθήσει**: *pay down.* **τούτων**: see on VII, 30.

**113** 9. **σφετερ' αὐτῶν**: see on VII, 7. **εἰσφέρειν**: i.e. war taxes. See App. V, 2. **ὀργίζοισθε**: see on XII, 83. **τούτους**: i.e. **τοῖς** *μὴ δυναμένοις*, above.

10. **ἕως ἂν . . . συνειδῶσιν**: *as long as they are conscious.* **πραγμάτων**: *trouble.*

11. **τοῦ σώματος**: i.e. life. **τὰ . . . συνειδότες**: *sharing with the thieves the knowledge that the property of private individuals was lost.* **τοῖς αὐτοῖς**: i.e. the same penalty as that inflicted on the thieves. **ἐνέχοιντο**: *should be subject to.* **Ἐργοκλεῖ . . . κλέπτοντι**: *sharing the knowledge with Ergocles that he stole*, etc. **ἐπί**: *on, against.* **ἆθλα**: *as prizes, rewards.* **ἀντὶ τῆς αὐτοῦ πονηρίας**: *in return for his own meanness.*

12. **οὗτοι**: the accomplices of Ergocles. **αὐτοῖς**: dative of agent. H. 769; G. 1186.

13. **ἐκεῖ**: i.e. at the trial of Ergocles. See the preceding oration. **ἃ**: subject of *ἀποτρέψει.*

**114** 14. **χρηματιούμενος**: future participle of purpose. See on XII, 16. **οὗτος**: Philocrates.

## AGAINST PHILON

§§ **1–5.** *The plaintiff's appearance against Philon prompted by his oath as senator; definition of a good senator.*

**115** 1. **ᾧμην**: i.e. up to the present moment. **τόλμης**: see on
**116** XII, 22. **δοκιμασθησόμενον**: see on XII, 16. **ἔν τι . . . πολλά**: adverbial accusative. H. 719, b; G. 1060. **ὀμόσας**: i.e. as senator. Cf. Xen. Mem. I, 1, 17: *τὸν βουλευτικὸν ὅρκον ὀμόσας, ἐν ᾧ ἦν κατὰ τοὺς νόμους βουλεύσειν.*

2. **τέ**: simple connective. See on XXIII, 3. **ἀποφανεῖν**: preserving the tense used in taking the oath. The senator said *ἀποφανῶ.* **τῶν λαχόντων**: sc. *τῷ κυάμῳ*: *of those who obtained office by lot.* **βουλεύειν**: *to be a senator.* **μεταπορευόμενος**: *follow-*

*ing up*. This word is unusual in this sense, *μετέρχομαι*, or *μέτειμι*, being much more common. **τῷ δύνασθαι**: causal with *ἐπαρθείς* (*ἐπαίρω*), *led on*. H. 959; G. 1547.

3. The meaning of the first sentence is, that the accuser is not so perfect a speaker as the accused is a perfect knave. **καὶ οὗτος**: *as he*. **ὅ τι**: though singular, refers to *τούτων*. See on XXII, 5.

4. **ἀπειρίαν**: *ignorance*. **τούτῳ**: see on XII, 1. **κακίαν**: *bad name*. **εἰρηκὼς ἂν εἴην**: the speaker uses the rare perfect optative, because he transfers himself in thought to the close of his speech. **ὑμῶν** limits *τούτους*, to be supplied. **μείζω**: *greater* than I can. **ὑπολίπω**: see on VII, 2. **πάλιν αὐτούς**: *themselves in turn*. Others were to follow with speeches against Philon.

5. **πρός**: *in addition to*. **καί**: *also*. **τούτου**: i.e. to be citizens.
**117** **διαφέροντα**: *differences*. **ἀνεπιτηδείως**: euphemistic for *κακῶς*. **τό** goes with **ἡγεῖσθαι**. See on XII, 13.

§§ **6–14**. *The defendant's disloyalty and desertion in time of the country's need.*

6. **φύσει**: *by nature*, i.e. born so. **οὗτοι δῆλοί εἰσιν**: not followed here by participial construction, because of *παρέντες* (*disregarding*). Such men were rather citizens of the world, something not at all agreeable to the typical Greek of those days.

7. **περὶ πλείονος ποιησάμενον**: see Idioms. **πολίταις**: with **ὁμοίως**. See on XII, 74.

8. **ἡ συμφορά**: i.e. at Aegos Potami, 405 B.C. See App. II, 1. **κατὰ τοσοῦτον**: (only) *so much*, apologizing for referring to the misfortune. **μέμνημαι**: what form? what force? H. 849; G. 1263. **πλήθους**: i.e. the democracy. **Φυλῆς**: see on XII, 52, and App. II, 4 and 5. **Πειραιᾶ**: i.e. when the democrats were successfully opposing the Thirty. See on XII, 53, and App. II, 5.

9. **ἐνθένδε**: i.e. from Attica. **τὴν ὑπερορίαν**: i.e. beyond Attica. **Ὠρωπῷ**: see Map. **μετοίκιον**: the tax paid by a metic or resident
**118** foreigner. **προστάτου**: see under Life of Lysias, p. 16. **μετεβάλλοντο**: used of a change from one political party to another. ***ἐλθεῖν***: *come back* to Athens. **ἐπὶ κατειργασμένοις**: *after all was*

*ended*, i.e. after the struggle was over. Cf. Herod. VIII, 94: ἐπ' ἐξεργασμένοισι ἐλθεῖν ἐς τὸ στρατόπεδον. **συμφερόντων**: *beneficial.* **τάξαι**: used of an appointment to duty as a soldier.

10. **προδιδόναι**: i.e. by leaving the country. **μή**, and not **οὐ**, because of the participle **πράττοντας**, which is conditional. Supply **ἡμᾶς**.

11. **γνώμῃ**: *with intent, on purpose.* **ἀδικημάτων**: genitive of cause with **ὀργίζεσθαι**. **μὴ ἀδικεῖν**: people who are able to refrain from wrong doing, and do not do so, are especially exasperating. **αὐτούς**: i.e. the poor and the weak, who cannot help doing wrong.

12. **οὗτος**: Philon. **συγγνώμης**: see on XII, 20. **λῃτουργεῖν**: see App. V, 2. **μισοῖτο**: see on VII, 11.

13. **ἀλλὰ μήν**: *yet truly.* **τοὺς ἑτέρους**: *one party.* **προδούς**: i.e. by helping neither, and going to Boeotia. **φίλον**: *dear.*

**119** **ὡς**: preposition. H. 722, a; G. 1220, 8. **τοῖς τὸν Πειραιᾶ καταλαβοῦσιν**: i.e. the democrats.

14. **περίεστι**: *remains.* **τούτῳ**: see on XII, 58. **μετ' ἐκείνων**: take with **βουλεύειν**. **γένοιτο**: H. 870; G. 1507. Cf. Dem. XXI, 209: ἐνθυμεῖσθ', ὦ ἄνδρες δικασταί, εἰ γένοιντο, ὃ μὴ γένοιτο οὐδ' ἔσται, οὗτοι *κύριοι τῆς πολιτείας*. **λάβωσι**: *seize, control*, as did the Thirty. See on VII, 2. **βουλεύειν**: see on § 2. **ἔθετο τὰ ὅπλα**: *take his place*; i.e. for military service, because he had run away.

## §§ 15–16. *The defendant's plea of unfitness for the duties of a soldier false.*

15. **σώματι**: dat. of means. **ἐπιγενομένην**: *having come upon.* **τῶν ὑπαρχόντων**: *his property.* **εἰσενεγκεῖν** (**εἰσφέρω**): infinitive where we should expect the indicative with **ὡς**, as in the case of **κατέστη**. **οὐ δυνάμενοι λῃτουργεῖν**: those not able themselves to serve for any reason often helped others, as, for example, the orator Lysias, who, though a metic, did much when in exile to aid the democracy. See Life of Lysias.

16. **καί**: not *and*. **παρελθόντι**: i.e. the speaker's stand. **Διότιμον**: otherwise unknown. **Ἀχαρνέα**: *of Acharnae*, a deme north of Athens. **ὁπλίσαι**: aorist infinitive, like **τάξαι** in § 9.

**§§ 17–19.** *That he was not merely passive shown by his activity in abusing aged citizens in the country.*

**120** 17. **ὠφελήσει**: H. 885, a; G. 1372. **τοτὲ μὲν . . . τοτὲ δέ**: *now . . . now.* **ἑτέροις ἡγούμενος**: *acting as leader for others.*

18. **δήμοις**: i.e. the demes of the country. **τἀναγκαῖα**: i.e. the bare necessities, less general than **ἐπιτηδείων**. **ὑπό**: causal. **ἡλικίας**: i.e. too old. **τὰ ὑπάρχοντα**: see on § 15. **περὶ πλείονος ποιούμενος**: see Idioms. **ἐκείνους**: objective of **ἀδικεῖν**. **δι' αὐτὸ τοῦτο**: i.e. age and penury. **ὅπερ**: see on VII, 22. **τότε**: i.e. in the struggle between the democrats and the Tyrants, in 404 B.C.

19. **δοκιμασθέντα**: i.e. so that he may become a member of the new Senate. **ὁστισοῦν**: *anybody whatsoever.* See on XII, 84. **μέγα**: *an important point.* Cf. Xen. Cyr. V, 3, 19: *μέγα ποιοῦμαι φίλιον τοῦτο τὸ χωρίον τοῖς ἐνθάδε συμμάχοις καταλείπων.* **τοῦτον**: i.e. Philon. **παρ' ἑαυτῶν**: *from their own possessions.* **οἰκτίραντες**: see Meist. p. 142. **τούτων ἀφαιρεῖσθαι τὰ ὑπάρχοντα**: here we have a genitive and an accusative, while in § 18 there are two accusatives. See H. 724; 748, a; G. 1069; 1071; 1118.

**§§ 20–23.** *His own mother's distrust of him.*

20. **ὅ τι**: see on VII, 42. **γιγνώσκειν**: *feel.* **τοιαῦτα**: i.e. the
**121** feelings of the relatives are *such.* **αὐτῷ**: agent. **παρήσω**: *pass by*, insinuating that there is much more of a damaging nature that might be said. This insinuation, of course, might have some effect upon the jury. **τεκμαιρομένοις**: *inferring, judging.*

21. **τούτῳ**: i.e. Philon, her son. **προσήκουσα**: concessive. See on VII, 7. **μνᾶς**: see App. VI. **ἆρα** = *nonne.* **αὐτόν**: i.e. Philon.

22. **διὰ τὸ . . . δοκιμάζειν**: see on XII, 13. **εὐνοίᾳ . . . ἐλέγχῳ**: a mother, because of her great affection for her children, endures many wrongs from them, and considers their smallest favors great. **φέρειν**: *bear away from, rob.*

23. **ἁμαρτήματα**: see on XII, 20. **αὐτοῦ τοῦ λαβόντος**: i.e. *Antiphanes. See § 21.*

§§ **24–26.** *Such a man not fit to become a senator.*

24. **τί βουληθέντες**: *with what idea*, as often in an impatient question. Cf. Plato, Phaedo, 63 A: *τί γὰρ ἂν βουλόμενοι ἄνδρες σοφοὶ ὡς ἀληθῶς δεσπότας ἀμείνους αὐτῶν φεύγοιεν.* **ὡς**: *on the ground that.* **βελτίων γενόμενος**: i.e. after he has given proof by right living and conduct that he means to be a better citizen, let him ask for public preferment. **περί**: *in relation to*, as often in the
**122** orators. **βουλεύειν**: see § 2. **τότε**: i.e. formerly; for example, at the time of the struggle with the Thirty Tyrants. **ὕστερον**: i.e. after something has been done deserving of gratitude. **ἤδη**: *already*, with the past; but *soon, presently*, with the future or future perfect. **τετιμήσεται**: G. 1266.

25. **ἄρα**: *forsooth*; ironical, to be distinguished from **ἆρα** used in questions. **ὁμοίως**: i.e. equally with themselves. **κίνδυνος**: sc. *ἐστί*. **τῶν αὐτῶν**: predicate genitive with *εἶναι*.

26. **ὅν**: see on XII, 14. **βουλεύειν . . . δουλεύειν**: note the paranomasia, or play, upon the words. A man so indifferent to the liberty of others ought to lose his own.

§§ **27–28.** *Such enormous offenses as his never expressly contemplated by legislators.*

27. **λέγειν**: H. 824, a; G. 1291. **ῥήτωρ**: *statesman.* **ἁμαρτίαν**: see on XII, 20.

**123** 28. **δήπου**: see on XII, 27. **εἰς τοῦτο**: i.e. into danger. **ἀδικοῦντος**: sc. *αὐτοῦ*, referring to *τις*. The speaker means that if in the first case a law was passed, certainly one would have been enacted to meet the second, had the lawmakers dreamed of the possibility of such a case ever arising as that of Philon. **σφόδρα γ' ἄν**: sc. *ἐτέθη*.

§§ **29–33.** *Philon surpassed in manliness even by aliens.*

29. **κατὰ τὸ προσῆκον ἑαυτοῖς**: *in a manner befitting themselves.* The metics had to perform military service in all branches except

the cavalry. **μείζονι**: i.e. punishment. **ἀτιμία** attached, it would seem, to a rejection at the **δοκιμασία**. Cf. App. V, 1 (c).

30. **παρεδείχθη**: *exhibited side by side*, by way of comparison. Note the force of *παρά* in composition. Cf. Isoc. XII, 39: *ὥσπερ τὴν πορφύραν καὶ τὸν χρυσὸν θεωροῦμεν καὶ δοκιμάζομεν ἕτερα παραδεικνύοντες τῶν καὶ τὴν ὄψιν ὁμοίαν ἐχόντων καὶ τῆς τιμῆς τῆς αὐτῆς ἀξιουμένων.* **τῶν γενησομένων**: *the future.* **προθυμῶνται**: sc. *οἱ πολῖται* as subject. **ἐκ παρασκευῆς**: *with set purpose, intentionally.* **μηδὲ ἐξ ἑνὸς τρόπου**: *by no means.* **μηδὲ . . . ἑνός**: more emphatic than *μηδενός*. See on VII, 28.

31. **ὅρκων**: i.e. of loyalty, sworn on becoming of age. **προὔδωκεν**: i.e. by running away and leaving the temples to the infamous Thirty. **πῶς**: sc. **δοκεῖ**. **ἀπόρρητα**: i.e. secrets of the Senate. Derivation of the word? **προειρημένα**: *proclaimed, ordered.* **τελευταῖος**: *at the end.* **πρότερον τῶν κατεργασαμένων**: *before those who did the work* of gaining freedom for the people. **περὶ οὐδενὸς ἡγήσατο**: see Idioms.

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32. **τίνας**: i.e. of the *συνήγοροι*. **ὑμῶν . . . ἐμέ**: chiasm, or inverted order. **δεῖσθαι ὑμῶν**: i.e. to approve Philon. **τότε**: i.e. in the struggle against the Thirty. **τὰ ἆθλα**: *as the prize.* **πολιτεία**: i.e. the democracy. **ἧς**: i.e. a place in the Senate. **μετόν**: see on VII, 15.

33. **μὴ τυχών**: see on VII, 1, and XII, 85. **κληρωσόμενος**: i.e. as a senator. **καὶ τότε**: omit in translating. These words, inserted after the clause **ὥσπερ . . . ἦλθε**, form an anacoluthon. See on XII, 36. **περὶ αὐτῆς**: i.e. for a place in the Senate. **καταστῆναι**: *to take his stand.*

## § 34 *Philon, in view of his record, deserving of contempt in the eyes of all worthy senators.*

34. **καίτοι**: rarely used with a participle. **καί**: not *and*. **τούτων**: i.e. further arguments. **περί**: see on § 24. **τούτου**: i.e. Philon. **καινά**: *unprecedented.* **παραδείγματα**: *warnings.* **δημοκρατίας**: *genitive depending* on the adjective **ἀλλότρια**.

ADDITIONAL REFERENCES ON THE SUBJECT MATTER OF THE ORATION AGAINST PHILON.

On § 15. Andoc. II, 18.
On § 16. Corpus Inscriptionum Atticarum, II, 1917.
On § 26. Xenophon: Hellen. I, 7, 22.
Meier and Schoemann, p. 419 f.
Lycurgus: Leocrates, 59.
On § 31. Hermann: Staatsalt, p. 458.

## AGAINST DIOGEITON

**§§ 1–3.** *The speaker's duty, though unpleasant, yet necessary from the nature of the case.*

**127** 1. **τὰ διαφέροντα**: *the issues.* **εἰς ὑμᾶς**; i.e. to conduct a trial. **τούτους**: i.e. the brothers, of whom the elder was really the plaintiff. The younger brother, though no doubt interested in the suit, may have been present to arouse pity in the jurors. **οἰκείους**: *kindred.* **διαφέρεσθαι**: *to be at variance.* **τε**: *and.* Cf. XXIII, 3. **ἔλαττον ἔχοντες**: *being badly treated.* **δύνωνται**: H. 914, B (1); G. 1431, 1. **ὧν ἥκιστα ἐχρῆν**: because relatives. Cf. Isaeus, 1, 6: *ἐγὼ μὲν γὰρ οὐχ ὅτι ἀδίκως κινδυνεύω, τοῦθ' ἡγοῦμαι μέγιστον εἶναι τῶν παρόντων κακῶν, ἀλλ' ὅτι ἀγωνίζομαι πρὸς ἐκείνους, οὓς οὐδ' ἀμύνεσθαι καλῶς ἔχει.* **κηδεστήν**: *brother-in-law*, though the word means in general any one who is related to another by marriage. Cf. Latin *affinis*. See Introduction for the relationship of those engaged in the suit.

2. **πολλὰ δεηθεὶς ἀμφοτέρων**: *asking both many times.* **δίαιταν**: *settlement.* Cf. Dem. LIX, 45: *συνήγον αὐτοὺς οἱ ἐπιτήδειοι καὶ ἔπεισαν δίαιταν ἐπιτρέψαι αὐτοῖς.* **περὶ πολλοῦ ποιούμενος**: see Idioms. **τῶν ἄλλων**: i.e. outsiders. **ἐξηλέγχετο**: *convicted;* i.e. before the friends above mentioned. **τῶν αὐτοῦ φίλων**: friends were chosen by both sides to arbitrate such matters. Diogeiton was unwilling to trust the matter to his friends. **φεύγειν δίκαι**: see on

XII, 4; also List of Idioms. **μὴ οὔσας (δίκας) διώκειν**: *to bring suit to set aside his default* (caused by absence from court). **πρός**: *with respect to.*

**128** 3. **βοηθεῖν**: goes with δέομαι. **τὰ δίκαια**: cognate accusative. H. 716, b; G. 1054.

§§ **4–8**. *Diogeiton's appointment as guardian of his brother's children.*

4. **ἀφανῆ**: *personal.* Literally what? **φανερά** was used of *real* property. **ἐνείμαντο**: *divided.* **λαβεῖν**: i.e. in marriage. Relatives intermarried to keep the property in the family.

5. **Θρασύλλου**: see Biographical Index. **καταλεγείς**: *enrolled.* **κηδεστὴν** means *father-in-law* here. See on § 1.

6. **παρακαταθήκην**: *as a deposit in trust.* **ναυτικὰ (χρήματα) ἐκδεδομένα**: i.e. money lent out on a ship and her cargo. Money thus lent, because of the perils of the sea, commanded sometimes thirty per cent interest. **τάλαντα, μνᾶς, δισχιλίας (δραχμάς)**: see App. VI. **ὀφειλομένας**: *loaned.* **Χερρονήσῳ**: i.e. the Thracian Chersonese (see Map) where many Athenians settled. Cf. Andoc. III, 13, 14, 15: *τίνος ἕνεκα πολεμήσομεν; . . . Χερρόνησον καὶ τὰς ἀποικίας καὶ τὰ ἐγκτήματα καὶ τὰ χρέα ἵνα ἀπολάβωμεν.* **ἐπέσκηψε**: *enjoined*, his final directions. **ἐάν τι πάθῃ**: i.e. if he should die — a euphemism common in many languages. H. 898; G. 1403.

7. **ἀντίγραφα**: *copies* of the will that was given to Diogeiton. See § 5. **Ἐφέσῳ**: a city in western Asia Minor. See Map. **ἔκρυπτε**: note the two accusatives. Cf. Xen. Anab. 1, 9, 19: *ὅσα ἐπέπτατό τις, ἥκιστα Κῦρον ἔκρυπτεν.* H. 724; G. 1069. Cf. Latin

**129** *celo.* **γράμματα**: *documents, papers.* **ἐκ**: *by means of.* **κομίσασθαι**: *collect.*

8. **τὰ νομιζόμενα**: *the customary rites*, probably the making of a cenotaph, accompanied with burial rites, as the bones of the dead man very likely were not brought home. **Πειραιεῖ**: the harbor town of Athens, where Diodotus had been engaged in commerce. ***αὐτοῦ***: *adverb.* **ἐπιλειπόντων**: *began to fail.* **ἐκδίδωσιν ἐπιδούς**:

see on XVI, 10. Diogeiton now marries her to Hegemon. See § 12, and table in the Introduction. **χιλίαις**: dative of degree of difference. See on VII, 4.

§§ **9–18.** *The disclosure made by the defendant to his eldest ward, and his interview with the ward's mother.*

9. **δοκιμασθέντος**: *had passed his examination* for admission to citizenship. As this took place when the applicant was about seventeen years of age, and as this was eight years after the death of Diodotus, it appears that the oldest son was in the hands of his unprincipled uncle for about nine years. **εἴκοσι . . . στατῆρας**: see App. VI: only the sum that Diodotus left his wife (see § 6), which she had put into the hands of Diogeiton. **εἶχον**: i.e. had means. **σκόπει . . . ἐπιτήδεια**: not very comforting, especially seeing that he had been robbed by his uncle.

10. **ὑπό**: *because of.* **ἐκπεπτωκότες**: *turned out.* **κλάοντες**: see Kühner-Blass, Gr. I, p. 133.

**130** 11. **τελευτῶσα**: *finally*, as adverb. See on XII, 60. **λέγειν ἐν ἀνδράσι**: it was something almost unheard of for a woman to thus appear before men. They were closely confined at home, as a rule, and had much less freedom than the women of the Homeric age.

12. **λόγους ἐποιούμην**: see Idioms. **ἠξίουν**: first person. **εἰς ἔλεγχον ἰέναι**: *to submit to an investigation.* **ἡ γυνή**: i.e. the widow of Diodotus. **ψυχήν**: *heart, feelings.* **γνώμῃ**: *disposition.*

13. **καὶ . . . καί**: *both . . . and.* **τοὺς ὕστερον γενομένους**: i.e. those of her marriage with Hegemon, her second husband. **ὀμόσαι**: to take such an oath by her children meant a great deal, as its violation might bring punishment on them. Women could not give evidence in court, hence an oath was their only way of testifying. **ὅπου ἂν**: e.g. in a temple or other sacred place. See on XXII, 13, for the construction. **περὶ πολλοῦ ποιοῦμαι**: see Idioms. **ἐκλιπεῖν**: *to end.* **ἀφελέσθαι**: *take away.*

14. **διοικίσει**: *moving*, from one house to another. See § 8. **Κολλυτοῦ**: a deme north of Athens, and a popular residence quar-

**131** ter. For the form, see Meist. p. 73. **διῳκίζετο**: note the tense. Supply *Διογείτων* as subject. **Φαίδρου**: nothing is known of this man. **βιβλίῳ**: *account book*. **ἐνεγκεῖν** (*φέρω*) depends on the verb of saying implied in **ἐξήλεγχεν**.

15. **ἐγγείῳ ἐπὶ τόκῳ**: *on a real estate loan*. **φοιτᾶν**: *came in*. **δισχιλίας**: i.e. *only* 2000. **ἅπερ**: see § 6, and on VII, 22.

16. **ἀκολούθου**: i.e. the *παιδαγωγός*, who regularly attended the boys of all but the very poorest families. Men were generally attended by slaves.

17. **τοὺς ἐμούς**: (*παῖδας*). **ἀποδεῖξαι**: *render*. **τὴν συνειδυῖαν**: *the one who understands* (your baseness). **περὶ ἐλάττονος ποιεῖ**: see Idioms.

18. **διετέθημεν**: *stirred, affected*. **ἀνάξιον**: emphatic position, **132** and agreeing with **ἐπίτροπον**. **οὐσίας** limits **ἐπίτροπον**. **χαλεπόν** (*ἐστί*). **ἑαυτοῦ**: see on XII, 23; also H. 686, a; G. 995. **δακρύοντας** agrees with **πάντας** to be supplied from *μηδένα*. Cf. Lycurgus, Leocrates, 133: *οὐδεμία πόλις αὐτὸν εἴασε παρ' αὐτῇ μετοικεῖν, ἀλλὰ* (sc. *πᾶσα*) *μᾶλλον τῶν ἀνδροφόνων ἤλαυνεν*.

§§ **19–29**. *The denials and professions of Diogeiton shown to be absurd; six talents of the estate missing according to the most generous calculation.*

19. **προσέχειν τὸν νοῦν**: see Idioms. **τῷ λογισμῷ**: *the accounts* of the guardian.

20. **τελευτῶν**: see on XII, 60. **ὁμολογήσας**: because of the discovered *βιβλίον*. See § 14. **λῆμμα**: *income*. **ἀναισχυντίας**: see on XII, 22. **τρέψειε**: *place, refer*. H. 866, 3; 932, 2; G. 1490. **ὄψον**: *food*, except bread. This word generally means a relish eaten with bread. **εἰς κουρέως**: *at the barber's shop*. The genitive **κουρέως** probably limits some word to be supplied. The amount spent there should have been itemized. **κατὰ μῆνα**: *each month*.

**133** 21. **μνῆμα**: i.e. the cenotaph. See § 8. **αὐτῷ**: as if he had borne a share in it. **τίθησι**: *puts down, enters*. Cf. Latin *ponere*. **Διονύσια**: the Dionysiac festivals, the most important of *which occurred in* March, when the new tragedies were brought out.

τοίνυν: *now;* transitional, not temporal. ἑκκαίδεκα δραχμῶν: a high price (see App. VI) for those times. Ten or twelve drachmas would have been sufficient. ἀρνίον: for sacrifice at the festival. τὰς ὀκτώ: H. 664, a; G. 948. ζημίαις: *losses.* ἐπιδείκνυσιν has τὰ μικρά for its subject. Little things often reveal a man's real character.

22. τὸ κεφάλαιον: *the sum total,* as stated in § 20. πατρικὸς ἐχθρός: foes were hereditary among the Greeks. Cf. Tacitus, Germania, Chap. XXI, on foes among the early Germans. ἐκείνου: i.e. πατρικὸς ἐχθρός.

23. τοῖς ἀδυνάτοις: *the* (physically) *infirm.* Dative of interest. τοῖς δυναμένοις: *the* (physically) *sound,* who, however, wished to lighten their burdens as guardians. Both classes, the weak and the strong, could let the ward's estate, if they so chose, to the highest bidder, who was required to give security for the rent, often amounting to more than twelve per cent. γῆν πριάμενον: *by investing in land.* This participle, as also ἀπηλλαγμένον, agrees with αὐτόν to be supplied from αὐτῷ. τῶν προσιόντων: *the income* in the shape of rents. ὁπότερα = εἰ θάτερα. Plural instead of singular. οὐδενός: after ἧττον, with ἤ omitted. διανοηθῆναι: *to have*
**134** *thought.* φανεράν: *visible,* then *real,* by turning it into real estate. πονηρίαν: personification. κληρονόμον: *heir.*

24. ὅ: see on VII, 42. συντριηραρχῶν: note the force of the preposition in composition. On the office of trierarch, see App. V, 2. Occasionally, near the close of the Peloponnesian war, when times were hard, two men united in discharging the duties of a trierarchy. Ἀλέξιδι, Ἀριστοδίκου: see Biographical Index. δυοῖν δεούσας: *lacking two.* ἀτελεῖς: but not from the εἰσφορά, or special tax, imposed in times of financial stress. ἐποίησεν: i.e. when enacted. δοκιμασθῶσιν: see on XXII, 13. λῃτουργιῶν: see App. V, 2. πράττεται: *exacted, demanded.*

25. Ἀδρίαν: sc. κόλπον, which is generally omitted. Horace, the Roman poet, speaks more than once of the boisterous Adriatic. ὁλκάδα: *a merchant vessel.* δυοῖν ταλάντοιν: the value of the cargo. See App. VI. κίνδυνος: *risk.* ἐσώθη: *was saved,* i.e. returned

in safety. **αὑτοῦ**: predicate possessive genitive after **εἶναι**. **ὅποι**: *where*, i.e. *on what*. **λόγον**: *account*. If Diogeiton charges the losses to his wards, and keeps all the profits, it will be a strange sort of bookkeeping.

26. **εἰ . . . εἴη**: does **εἰ** always introduce a condition? Cf. a similar use of Latin *si* and English *if* (= whether). **ἔφασκεν εἶναι**: *affirmed that he had*. **οἰκαδε**: i.e. of Aristodicus. **τέτταρας καὶ εἴκοσι**: only half the amount he had professed (see § 24) to have contributed for the trierarchy. **ἐκείνῳ**: i.e. Alexis.

**135** 27. **ὅσονπερ**: see on § 15 and VII, 22. **ἃ . . . ἐπράχθη**: *regarding what was done*. **τούτων**: H. 1005; G. 1040. **ζημιῶσαι**: *damage, mulct*.

28. **τελευτῶν**: see on XII. 60. **ὁμολόγησεν**: see § 20. **πρόσοδον**: *income*, in the form of interest. **ὑπαρχόντων**: *principal*. **ἀναλίσκων**: *subtracting*. **θήσω**: see on **τίθημι**, § 21. **παιδαγωγόν**: see on § 16. **τρεῖς δραχμάς**: a fair allowance for those days. See App. VI.

29. **περιόντα**: *left, remaining*. **ζημίαν**: see § 21. **εἰληφώς**: *received, suffered*. Cf. Xen. Symp. IV, 50: **ὅταν δὲ κακόν τι λάβωσι, φεύγουσιν ἀμεταστρεπτί**. **χρήσταις**: *creditors*. Dionysius, to whom we are indebted for the preservation of as much of this speech as we have, breaks off here in the midst of an account. See the close of the Introduction to this speech.

## Additional References on the Subject Matter of the Oration against Diogeiton

On § 2. Smith: Dictionary of Antiquities, under *Diaetetae*.
Schoemann: Gr. Alt. I, 501.
Gilbert: Antiquities, p. 391.
Meier and Schoemann: Att. Process, p. 974.

On § 4. Hermann: Privatalt, p. 96.

On § 5. Grote: VII, pp. 289, 370.
Curtius: III, pp. 470, 544.

On § 6. Boeckh: Staatsh. I, p. 166 f.

On § 7. Becker: Charicles (Eng. ed.), p. 171.
Meier and Schoemann: Att. Process, p. 597.

On § 7. Xen. Hellen. I, 2, 9.

On § 11. Hermann: Privatalt, § 10.
Becker: Charicles (Eng. ed.), p. 462 f.

On § 13. Smith: Dictionary of Antiquities, under *Diaetetae*, I, p. 622.
Meier and Schoemann: Att. Process, p. 898 f.

On § 16. Becker: Charicles (Eng. ed.), pp. 3, 226.
Hermann: Privatalt, pp. 85, 160.

On § 20. Hermann: Privatalt, p. 223.
Boeckh: Staatsh. I, p. 128.

On § 21. Becker: Charicles (Eng. ed.), p. 393 f.
Hermann: Privatalt, p. 383.
Boeckh: Staatsh. I, p. 96.

On § 23. Corpus Inscriptionum Atticarum, II, 1135.
Meier and Schoemann: Att. Process, pp. 362, 559.
Smith: Dictionary of Antiquities, under *Misthoseos Phasis*.

On § 24. Boeckh: Staatsh. I, pp. 534, 638.
Gilbert: Antiquities, p. 370.

On § 25. Torr: Ancient Ships, p. 23 and note 59.

On § 26. Boeckh: Staatsh. I, p. 671.

On § 28. Boeckh: Staatsh. I, p. 142 f.

# IDIOMS AND PHRASES

THE following brief list of common Idioms and Phrases is here given for ready reference. The student will be amply repaid if he at once commits to memory those expressions in the list that are not already familiar to him.

αἰτίαν ἔχειν, *to be accused.*
ἄλλως τε καί, *especially.*
ἀπὸ ἴσης παρασκευῆς, *equally well prepared.*
ἀπόρως διακεῖσθαι, *to be in a strait.*
ἀφ' οὗ, *ever since.*
βαρέως ἀκούειν, *to hear with disgust.*
βαρέως φέρειν, *to be annoyed.*
γνώμην σχεῖν, *to form an opinion.*
δεινὸς λέγειν, *skillful in speech.*
δεξιὰν διδόναι, *to give one's right hand as a pledge.*
δεξιὰν λαμβάνειν, *to accept one's right hand as a pledge.*
δῆλον ὅτι, *it* (is) *plain that, evidently.*
δίκην διδόναι, *to give satisfaction.*
δίκην δικάζειν, *to decide a case.*
δίκην δικάζεσθαι, *to go to law.*
δίκην διώκειν, *to prosecute.*
δίκην ἐπιτιθέναι, *to inflict punishment.*
δίκην λαγχάνειν, *to obtain leave to bring a suit, to bring suit.*
δίκην λαμβάνειν, *to take satisfaction.*
δίκην ὀφλισκάνειν, *to lose a suit.*
δίκης τυχεῖν, *to receive one's deserts.*
δίκην φεύγειν, *to stand suit, to be defendant in a trial.*
δόγμα ποιεῖσθαι, *to pass a resolution.*
ἑαυτῷ συνειδέναι τι, *to be conscious of anything.*
εἰς τὴν ἀρχὴν καθιστάναι, *to establish in office.*
ἐκποδὼν ποιεῖσθαι, *to put out of the way.*
ἐκ τῶν παρόντων, *from* or *in the present circumstances.*
ἑκὼν εἶναι, *willingly.*
ἐντίμως ἔχειν, *to be in honor.*
ἐν τοιούτῳ, *in such a situation.*
ἐν τούτῳ, *meanwhile.*
ἐξ ἴσου εἶναι, *to be on an equality.*
ἐπ' αὐτοφώρῳ, *in the act.*
ἐπιτρέπειν δίαιταν, *to entrust an arbitration* (of a case).
ἔστιν οἵ, *some.*
ἔστιν ὅπου, *somewhere.*
ἔστιν ὅπως, *somehow.*

εὐνοϊκῶς ἔχειν, *to be kindly disposed.*
εὖ ποιεῖν, *to treat well.*
εὖ πράττειν, *to fare well, to be fortunate.*
ἔχειν εἰπεῖν, *to be able to mention.*
ἔχειν τὴν δίκην, *to pay the penalty.*
ζημίαν λαμβάνειν, *to suffer loss.*
ἡσυχίαν ἄγειν, *to keep quiet.*
κακῶς ἔχειν, *to be badly off.*
κακῶς πάσχειν, *to suffer ill.*
κακῶς πράττειν, *to fare ill.*
κακόν τινα ποιεῖν, *to injure any one.*
κακῶς τινα ποιεῖν, *to injure any one.*
καλῶς ἔχειν, *to be well.*
καλῶς ποιεῖν, *to treat well.*
καλῶς πράττειν, *to fare well, to be fortunate.*
κατὰ τοὺς νόμους, *according to law.*
μεῖον ἔχειν, *to be worse off.*
μέλει αὐτῷ, *he cares for.*
μεταμέλει αὐτῷ, *he repents.*
μισθῶσαι τὸν οἶκον, *to rent out the estate.*
οἷόν τε εἶναι, *to be able, to be possible.*
ὀλίγου δεῖ, *it lacks little, almost.*
ὅτι μάλιστα, *as much as possible.*
ὅτι πλεῖστοι, *as many as possible.*
οὐδὲν ἧττον ἔχειν, *to be none the worse off.*
οὕτως ἔχει, *it is so, this is the case.*
παρὰ προσδοκίαν, *contrary to expectation.*
παρὰ τοὺς νόμους, *contrary to law.*
πέρας ἔχειν, *to be at an end.*
περὶ ἐλάττονος ποιεῖσθαι, *to consider of less importance.*
περὶ οὐδενὸς ποιεῖσθαι or ἡγεῖσθαι, *to consider of no importance.*
περὶ παντὸς ποιεῖσθαι, *to consider all-important.*
περὶ πολλοῦ (πλείονος, πλείστου) ποιεῖσθαι, *to consider of great (greater, greatest) importance.*
περὶ τῶν μελλόντων ἔσεσθαι, *concerning the future.*
πλείονος ἄξιος, *more valuable.*
ποιεῖν ἐκκλησίαν, *to call an assembly.*
πολλοῦ ἄξιος, *valuable.*
πολλοῦ δεῖ, *it lacks much, far from.*
πολλοῦ δέω, *I lack much, I am far from.*
πράγματα παρέχειν, *to make trouble.*
πράγματα πράττειν, *to have a case at law.*
πρὸς τὸ κεφάλαιον, *to complete the sum.*
σπονδὰς ποιεῖσθαι, *to make a truce.*
συνειδέναι τοῖς κατηγόροις, *to be conscious that the accusers.*
συνελόντι εἰπεῖν (τινι), *to speak concisely.*
τὰ παρόντα (πράγματα), *the present circumstances.*
τίθεσθαι τὰ ὅπλα, *to ground arms.*
τὸ ἐπὶ τούτοις εἶναι, *so far as it depends on these.*
τὸ λοιπόν, *for the future.*
τὸ νῦν εἶναι, *for the present.*
τόνδε τὸν τρόπον, *in this manner.*
τὸν νοῦν προσέχειν, *to turn the mind towards, to notice.*
τοὺς λόγους ποιεῖσθαι, *to speak.*

τούτων τοιούτων ὄντων, *since these things are so.*
τῷ ὄντι, *in fact.*
χαλεπῶς ἔχειν, *to feel angry.*
χαλεπῶς φέρειν, *to take to heart, to be vexed.*
χάριν ἔχειν, *to feel grateful.*
χάριν ἀποδοῦναι, *to return a favor.*
χάριν εἰδέναι, *to thank.*
ὡς εἰπεῖν, *so to speak.*
ὡς ἐπὶ τὸ πολύ, *for the most part.*

# BIOGRAPHICAL INDEX

**Aeschyl'ides** (XII, 48), known only by name.

**Agesila'us** (XVI, 16), a Spartan king and general who engaged in many military enterprises in various countries. He defeated the combined forces of Athens, Corinth, and Argos at the battle of Coronea in Boeotia, 394 B.C., and afterwards figured in the so-called Corinthian war from 394–387 B.C. Xenophon has left us an account of his life, which, however, is rather too laudatory of the general's merits. He was not the great military leader and statesman that Xenophon would have us believe.

**Al'cias** (VII, 10), known by name only.

**Alex'is** (XXXII, 24), known to us only by name.

**An'ticles** (VII, 4), of whom nothing special is known.

**An'tiphon** (XII, 67), prominent in connection with the government of the Four Hundred; also a noted orator of his time. After the overthrow of the Four Hundred he defended himself, when brought to trial, in a strong oration. He was unsuccessful, however, and was put to death. He is the earliest of the so-called Attic orators. See App. I.

**Antis'thenes** (VII, 10), known by name only.

**An'ytus** (XXII, 8), a grain inspector mentioned by Lysias in the oration against the grain dealers. It is not certain that he is the same person as the one who accused the philosopher Socrates in 399 B.C.

**Apollodo'rus** (VII, 4), one of the murderers of Phrynichus, a leader of the Four Hundred, and rewarded by a gift of a portion of Peisander's property. See App. I; also C. I. A. I, 59, and Hermes II, 378.

**Arche'neus** (XII, 16), a shipmaster at whose house Lysias concealed himself when hunted by the emissaries of the Thirty, and from where he made his escape to Megara, under cover of the night.

**Archeptol'emus** (XII, 67), son of Hippodamus, and advocate of peace with Sparta.

**Aristoc'rates** (XII, 66), an oligarch and a taxiarch under the Four Hundred. The poet Aristophanes puns on his name in the comedy of the Birds.

**Aristod'icus** (XXIII, 13), unknown to us except by name.

**Bat'rachus** (XII, 48), a base and most dangerous sycophant during the time of the Thirty.

**Callaes'chrus** (XII, 66), the father of the infamous Critias, and a leader of the Four Hundred.

**Callis'tratus** (VII, 9), of whom nothing is known.

**Ceph'alus** (XII, 4), the father of the orator Lysias. See under the Life of Lysias.

**Char'icles** (XII, 55), a member of the radical party of the Thirty, and second only to Critias in infamy.

**Crit'ias** (XII, 43), the leader of the radical faction of the Thirty. He went to the greatest extremes in his infamous work, putting to death even those of the Thirty who strongly opposed him, notably Theramenes, who was the leader of the moderate party of the Thirty. He was killed near the Peiraeus in a battle with the exiled democracy under the leadership of Thrasybulus. He was also a poet and an orator.

**Damnip'pus** (XII, 12), apparently a friend of Lysias, but otherwise unknown.

**Deme'trius** (VII, 10), known by name only.

**Diod'otus** (XXXII, 4), a brother of Diogeiton and known to us by name only.

**Diogei'ton** (XXXII), brought to trial for dishonesty in the management of the property of his wards. See the Introduction to the oration Against Diogeiton.

**Dracon'tides** (XII, 73), one of the Thirty. It was he who moved the decree to establish the Thirty in power. He was of low character, often involved in suits, and a target for comic poets.

**Epich'ares** (XII, 55), a senator under the Thirty and afterwards one of the Board of Ten.

**Eratos'thenes** (XII), one of the Thirty accused by Lysias of the murder of his brother. He had also been active in 412 B.C., especially among the soldiers on the Hellespont in trying to bring about the government of the Four Hundred at Athens. See Introduction to the oration Against Eratosthenes.

**Er'gocles** (XXVIII), one of the colleagues of Thrasybulus on his expedition to Asia Minor in 390 B.C. He was called home to Athens, tried for embezzlement, and convicted. See Introduction to the oration Against Ergocles.

**Euthyc'ritus** (XXIII, 5), unknown to us except by name.

**Hege'mon** (XXXII, 12), known by name only, as it is found in the oration Against Diogeiton.

**Hipparmodo'rus** (XXIII, 5), unknown to us except by name.

**Hip'pocles** (XII, 55), one of the Board of Ten; otherwise unknown, though possibly the same man as the one mentioned by Thucydides VIII, 13.

**Lysan'der** (XII, 59), a noted Spartan admiral who rendered valuable service to his country in the closing years of the Peloponnesian war. He won Aegos Potami, conquered many islands of the Aegean sea, and proceeded to Athens where his fleet coöperated with the armies of the Spartan kings, Agis and Pausanias, in starving Athens into surrender. He was killed in 395 B.C. at the battle of Haliartus fought between the Spartans and Thebans. See App. II, 1 and 5.

**Mantith'eus** (XVI), in title to oration *et passim*, known to us only by what he discloses regarding himself in his speech before the Boulé. He seems to have been an oligarch, proud of his record, and odd in dress and bearing. See Introduction to the speech For Mantitheus.

**Melo'bius** (XII, 12), a member of the Thirty.

**Milti'ades** (XII, 72), an Athenian unknown to us. The hero of Marathon of the same name lived almost a hundred years earlier.

**Mnesithei'des** (XII, 12), a member of the Thirty.

**Nicom'achus** (VII, 20), known to us only as the man who instituted the trial regarding the Sacred Olive. See Introduction to the oration On the Sacred Olive Tree.

**Nicome'des** (XXIII, 9), unknown to us except by name.

**Orthobu'lus** (XVI, 13), phylarch of the tribe to which Mantitheus belonged.

**Pan'cleon** (XXIII), a fuller of Athens brought to trial for some offense not known to us. See Introduction to the oration Against Pancleon.

**Peisan'der** (VII, 4), a leader in the establishment of the Four Hundred, 411 B.C., on the overthrow of which he was compelled to leave Athens. His property was confiscated, and a portion of it given to Apollodorus for his part in the murder of Phrynichus, another leader of the Four Hundred. See App. I.

**Peison** (XII, 6), a member of the Thirty, active in arresting and putting to death the metics, or resident foreigners in Athens.

**Per'icles** (XII, 4), a great Athenian orator and statesman in the fifth century B.C. Through his wise guidance Athens grew to be a great power. He embellished the city with marvelous works of art, encouraged literature, and was foremost in every project to promote her welfare. In his day the great sculptors and poets lived and wrought their matchless works. So prosperous was Athens in those years and so much was she indebted to Pericles for her proud position, that that period of her history is known as the Periclean Age.

**Philoch'ares** (XII, 72), an Athenian mentioned by Lysias: otherwise unknown to us.

**Philoc'rates** (XXIX), steward and confidant of Ergocles on an expedition to Asia Minor in 390 B.C. He was brought to trial on suspicion of complicity with the latter in his dishonest dealings with the Athenians. See Introduction to the oration Against Philocrates.

**Phi'lon** (XXXI, 1), an unprincipled Athenian who deserted his country in the time of her distress. See Introduction to the oration Against Philon.

**Polemar'chus** (XII, 19), brother of Lysias, and put to death without a trial by the Thirty. See Introduction to the oration Against Eratosthenes.

**Pro'teas** (VII, 10), known by name only.

**Pythodo'rus** (VII, 9), Archon at Athens in the year of anarchy 404–403 B.C.

**Sat'yrus** (XVI, 4), a ruler of the Cimmerian Bosporus which included the Tauric Chersonese (the modern Crimea) with the neighboring coasts and cities. His time was about 407 B.C. and his capital Panticapē'um, a great grain mart of the Athenians.

***Seuthes*** (XXVIII, 5), a Thracian prince.

**Suni'ades** (VII, 11), archon at Athens 397–396 B.C.

**Themis'tocles** (XII, 63), a noted Athenian general, statesman, and orator in the early part of the fifth century B.C. He with Aristeides won the battle of Salamis in 480 B.C. He then planned to rebuild the walls of Athens, but the Spartans, jealous of her rapid rise, objected. Themistocles, with others, was sent to Sparta to confer about the matter. Before starting, however, he got all the Athenians at work on the walls, and gained time for them on reaching Sparta by pretending that he would have to postpone the proposed conference till the rest of the messengers should arrive. The result was that the walls of Athens had advanced so far that it was useless for the Spartans to object any longer, and thus the plan of Themistocles was carried out, though accomplished by deception on his part.

**Theog'nis** (XII, 6), a member of the Thirty, and also a tragic poet whom Aristophanes in his comedies ridicules. He seems to have been active in the arrest and execution of the metics.

**Theram'enes** (XII, 50), an Athenian, conspicuous first from his efforts to establish the Four Hundred in power 411 B.C. He was several times general between that date and the close of the Peloponnesian war, 404 B.C. He became prominent again in the peace negotiations between the Spartans and the Athenians. He belonged to the moderate party of the Thirty Tyrants, and lost his life in opposing Critias, the leader of the Radicals among the Thirty. He was, no doubt, an unreliable, untrustworthy person, though Lysias probably exaggerates his faults in his review of his life (XII, 62–78). His vacillation and instability of character gained for him the name of Cothurnus — a stage shoe that was made to fit either foot. See App. II, 2.

**Thrasybu'lus** (XII, 52), a prominent general in the last part of the Peloponnesian war, and a vigorous opponent of the government of the Four Hundred. For his great services in the struggle against the Thirty, see App. II, 5. In 389 B.C., while cruising around the coast of Asia Minor, he was killed by the inhabitants of Aspendus, who were enraged at the insolence of his crew. See Introduction to oration Against Ergocles.

**Thrasyl'lus** (XXXII, 5), a prominent Athenian general in the Peloponnesian war. He, along with Thrasybulus, opposed the Four Hundred, and helped to win the Battle of Cynossēma, 411 B.C. Having been one of the generals at Arginusae (406 B.C.) who failed, on account of the storm, to rescue the soldiers, both the living and the dead, from the disabled vessels, he was tried and put to death by his people.

# APPENDIX

## I

### THE FOUR HUNDRED

About 411 B.C. Athens found her foreign relations disturbed, and her treasury low. The Peloponnesian war had been in progress for twenty years, and was not yet, so far as could be seen, nearing an end. There were two factions among the Athenians — the Oligarchs and the Democrats. A democratic form of government established by Cleisthenes had held sway in Athens for almost a century. The Oligarchs in the city, taking advantage of the situation, now began to plan, through their political clubs, a change of government. In this they were aided by the exiled general, Alcibiades, who was then living with Tissaphernes, a Persian satrap, in Asia Minor. That able but unprincipled Athenian, after several years of exile, anxious to return to his native city, and to be reinstated in public favor, and knowing the sad state of affairs at home, began to plot for his recall. He first sought by means of envoys to gain favor with the Athenian army encamped on the island of Samos, by assuring them that, if a change in government should be effected at home, he could secure for them the aid of the Persians, and thus crush their enemy the Spartans whom they had been fighting for so many years. He succeeded in winning the support of many in the army by this assurance of relief and aid. From Samos the conspiracy spread to Athens. The same arguments were used, the same assurances made in that city. This conspiracy was promoted with much vigor by the oligarchical clubs of Athens, and finally consummated by intimidation and terrorism. Opponents were killed, and the Public Assembly frightened into setting aside the democracy for an oligarchy. Civil officers were done away with, and a Body of Four Hundred was organized to direct public affairs. This body was authorized, if they chose, to call an assembly of

5000 of the wealthier citizens able to furnish their own arms. This was, however, a meaningless provision, and no such list of citizens was ever issued. The Four Hundred ruled with unlimited power.

Now Alcibiades had fallen out with the Oligarchs before they had completed their plans, but they had gone too far to retreat. After encouraging the revolution up to a certain point, and getting matters into a dangerous plight, he doubtless thought that he would be recalled from exile to take charge of affairs. Disappointed in this expectation, he broke with the Oligarchs, and began to curry favor with the popular party. After the plot of the Oligarchs had been carried out in Athens, messengers were sent to the army away from home on the Hellespont and at Samos, to win it over to the new government. Prominent among those envoys were Peisander, Phrynichus, and Eratosthenes (Lys. XII, 42). The plans, however, did not succeed. The army firmly stood for democracy, removed from their command such officers as they suspected of disloyalty, and appointed two new leaders, Thrasybūlus and Thrasyllus, who proposed that Alcibiades be invited to visit their army at Samos. This invitation was just what Alcibiades had been anxious to compass, since he had been disappointed in his plans with the Oligarchs. He accepted it, repaired to Samos, and made a speech to the soldiers, assuring them, that if recalled, he could win for them the friendship and financial support of Persia. The soldiers at once voted his recall, appointed him commander in chief of the army, and urged him to lead them against the Oligarchs at Athens. He at once showed them the folly of such a movement, as that would leave the islands of the Aegean sea and the possessions of Athens on the Asiatic coast to the mercy of the Spartans.

The messengers of the Four Hundred, who came to him from Athens at this time, were told that while some of their reforms were good, the Council of the Four Hundred would have to be set aside. This message brought trouble and dissension into the ranks of the Oligarchs — just what Alcibiades desired. The Four Hundred were accordingly deposed after the brief reign of four months by the people who suspected them of aiming to deliver the city over to Sparta. Some of the leaders of the Four Hundred fled from the city, while others, among them the noted orator Antiphon, were *tried* and put to death.

## II

## THE DOWNFALL OF ATHENS.—THE THIRTY TYRANTS

1. At the battle of Aegos Potami, on the Hellespont, in the summer of 405 B.C., the Athenians met with a crushing disaster. Lysander, the Spartan admiral, surprised and captured almost their entire fleet consisting of 180 vessels. Of the eight boats that escaped, the Paralus, or state trireme, proceeded at once across the Aegean sea to report the sad tidings at Athens. The boat reached the harbor town, the Peiraeus, in the evening. Quickly the news was carried up to Athens some four and a half miles distant. It is said that on that night no man slept. The Athenians, expecting the victorious Spartans to appear immediately in their harbor, began vigorously to strengthen their fortifications, and to prepare themselves to resist an attack or to stand a siege. They did not know just what would be their fate nor that of the city. Yet they were certain that they would be humiliated and severely punished.

Lysander, however, did not proceed at once to Athens, but sailing to the various islands in the eastern and northern Aegean in alliance with that city, brought them under his sway. He even sent Eteonīcus to Thrace to reduce the Athenian subjects there. Lysander seems to have succeeded in this work of subjugation until he reached Samos. The inhabitants of that island held out against him. The Athenians that were found in these subjugated towns and islands were released on condition of their returning to Athens. The object of the Spartan admiral in pursuing this policy was so to swell the population at Athens as the more quickly to starve the city into surrender. At the same time he sent word to the Spartan kings, Pausanias in the Peloponnesus, and Agis at Decelea in Attica, to march to Athens, and to cut off the city's supplies by land, while he himself sailed into the harbor of the Peiraeus to prevent the ingress of help by sea.

2. The Athenians were now in a sad plight. Thinking that their city was probably doomed to destruction, and themselves to slavery or death, they held out for some time. The affairs of the city during this time were placed in the hands of the Areopagus (see App. III, 8).

Early in the autumn, the Athenians sent commissioners to Agis, who was still encamped before the city, to arrange a settlement of affairs. They offered to form an alliance with Sparta on condition that the long walls and the walls of the Peiraeus should not be destroyed. Agis referred them to the Ephors, the executive officers of Sparta, by whom the proposition was disdainfully rejected. The Athenians, though hard pressed, were still disposed to resist, and one Archestratus was imprisoned simply because he suggested submission.

Lysander in the meantime having carefully blockaded the Peiraeus, returned to Samos to continue his operations against that stubborn island. The oligarchic party at Athens, long in sympathy with the Spartans, were quietly doing what they could to help on their cause. One of their number, of the milder faction, Theramenes by name, who had considerable influence with the people, at his own urgent request was appointed to bring about a settlement with Sparta. He had assured the Athenians that he could obtain peace without the destruction of their walls or the surrender of their ships. Accordingly they anxiously awaited his return. He did not go to Sparta as he was expected to do, but proceeded to Lysander at Samos, where he remained for three months, his object being to reduce the Athenians by delay and continued distress to a condition in which they would be glad to accept almost any terms. Theramenes, on his return from Samos, reported that he would have to go to Sparta to consult the Ephors. He went, but instead of bringing back the terms he promised to obtain, he brought most humiliating conditions, excusing himself by saying that the terms secured were far better than those that the Corinthians and Thebans, allies of Sparta, had urged in the convention. Thus he not only failed to accomplish that for which he was commissioned, but purposely, as many thought, did what he could to embarrass and humiliate the people who had appointed him, and gained by his treachery the odious reputation that he has always held in history. The terms that he obtained were that the long walls and the walls of the Peiraeus should be destroyed; the ships, except twelve, should be surrendered; the Athenian Oligarchs in exile should be recalled; Athens should form an offensive and defensive alliance with Sparta, acknowledge the latter's supremacy, and serve under her direction by land and sea. The orator Lysias

in one of his orations (XII, 70) accuses Theramenes of even *proposing* the dreadful conditions. They were accepted with few dissenting votes by the assembly. This was in the spring of 404 B.C., and Lysander returned from Samos to begin the work of destroying the walls to the music of flutes and with manifestations of great joy.

3. It was now summer, and the time had come for the appointment of a new boule, new archons, phylarchs, and other officers. The Oligarchs succeeded in doing away with the democratic form of government, substituting therefor an oligarchical system. This they did through the efforts of political clubs who appointed five men, called ephors, out of compliment to Sparta, to dictate to the Ecclesia, and to control the appointment of officers.

While these changes were taking place, Theramenes seems to have had much influence and authority. He did not allow an assembly to convene till Lysander came again from Samos, who, with certain Athenian leaders, such as Philochares and Miltiades, addressed and intimidated it by threats. Their presence also greatly emboldened Theramenes to openly insult his own citizens when they clamored against his proposition to appoint thirty men to draw up a code of laws, and in the meantime to carry on the government. As a result, the opposition was silenced, some of them voting for the Thirty, others leaving the meeting without casting their votes (Lys. XII, 75, 76).

These Thirty were made up of ten nominated by the beforementioned officers of the political clubs, called ephors, ten nominated by Theramenes, and ten taken from the Ecclesia then assembled. Their names, as given by Xenophon (Hell. II, 3. 2), were as follows:

| | | |
|---|---|---|
| Polychares. | Diocles. | Aeschines. |
| Critias. | Phaedrias. | Theogenes. |
| Melobius. | Chaereleos. | Cleomedes. |
| Hippolochus. | Anaetius. | Eristratus. |
| Euclides. | Peison. | Pheidon. |
| Hieron. | Sophocles. | Dracontides. |
| Mnesilochus. | Eratosthenes. | Eumathes. |
| Chremon. | Charicles. | Aristoteles. |
| Theramenes. | Onomacles. | Hippomachus. |
| Aresias. | Theognis. | Mnesitheides. |

The above-named persons were appointed by a vote of the Ecclesia. Lysander now repaired to Samos again, the Spartan armies in front of Athens withdrew, and the people began to be hopeful. The crowds in the city could go forth once more and resume their wonted vocations.

4. The conduct of the Thirty, however, who began their reign of terror in the summer of 404 B.C., soon aroused suspicion and dissatisfaction. Instead of at once arranging new laws and seeking to benefit the people, they took steps to establish themselves firmly in power. To this end they brought about the appointment of a senate and officers in sympathy with their own ideas. They then put to death hundreds of citizens whom they feared or whom they thought in sentiment opposed to them. At first the disreputable and dangerous informers, sycophants, as they were called, were the objects of their deadly work. This did not especially disturb the people, as that infamous class of citizens was dangerous at all times and in all forms of government. Others were murdered simply because they preferred a democratic form of government to an oligarchic. Theramenes, at the head of the moderate faction of the Thirty, opposed this extreme measure. This caused alarm to the more radical portion of the Tyrants headed by Critias. Critias offered as a compromise that a list of 3000 privileged persons should be made out and take the place of the old Ecclesia. Theramenes again objected, but was defeated. Accordingly the 3000 were selected, and all other citizens deprived of arms. Others still were put out of the way because of private enmity toward them on the part of the Thirty. But the Thirty did not stop there. They needed money with which to support a Spartan garrison on the Acropolis, and to defray other large expenses incident to their work. Accordingly the radical faction of the Thirty proposed to select rich metics, or resident foreigners, put them to death and confiscate their property. To shield their real object, namely their quest for money, from the people, they proposed to select occasionally a poor metic.

Theognis and Peison, who were both Radicals, seem to have proposed this step. Theramenes had the courage to oppose the Radicals in this matter also, and in consequence was arrested, at the instance of the infamous Critias, and compelled to die by drinking the fatal hemlock.

With Theramenes out of the way, the Radicals proceeded with their deadly work among the metics. Citizens not enrolled among the 3000 were robbed of their land and property and forbidden to enter the upper city. They consequently fled in every direction, to the Peiraeus, Chalcis, Megara, Thebes, and when the towns in which the fugitives took refuge were commanded to return them, they generally did not obey, probably because of their jealousy of Sparta and their hatred of the Oligarchy.

5. The proceedings of the Thirty thus far occupied the summer of 404 B.C. Thereafter the Thirty received a decided check in their reckless course. Thrasybulus, a democrat, who had fled to Thebes, accompanied by seventy followers seized Phyle, a pass over Mount Parnes, and about twelve miles from Athens. Thebes, out of jealousy of Sparta, encouraged this enterprise. The Thirty went out to attack the little band at Phyle, but were repulsed in trying to storm the stronghold. This failure and a heavy snowstorm led them to return to Athens. They then sent out the Spartan garrison and some cavalry, intending to lay siege to the place. Thrasybulus, who meanwhile had been joined by other patriotic fugitive democrats to the number of seven hundred, by a bold dash in the night routed the forces of the Thirty. The latter returned to Athens and forthwith began to plan some way of escape in case of need. They selected Eleusis, which commanded a mountain pass west of Phyle.

Pretending to hold an inspection of the citizens of Eleusis that were able to bear arms, they made them file out of the city at the exit nearest the sea, taking the name of each individual at the gate. They then surrounded them on the beach by horsemen, arrested and gave them over to the care of the Eleven, who constituted the body that served the Thirty as executioners in their bloody work. On the following day, under the direction of Critias, they were, contrary to all law, and by a single vote, condemned to death.

Thrasybulus now — probably in November, 404 B.C. — with a thousand men, entered the Peiraeus at night. The Thirty Tyrants with their forces rushed from the city to the Peiraeus, and Thrasybulus was compelled to fall back in his effort to check their advance. He then took up his position on the slope of Munychia, an eminence southeast of the Peiraeus. While he had the advantage of position, the Tyrants were far superior in the number of their troops. A

battle followed, resulting in a victory for Thrasybulus. Among the dead was the notorious Critias, the leader of the radical faction of the Thirty Tyrants.

A conference between the opposing forces then ensued in which Cleocritus, who had held the sacred position of μυστῶν κῆρυξ, strongly advocated peace. The Tyrants went back to Athens, greatly discouraged at the outlook, while the 3000 consulted in groups here and there about the city. Some who shared the guilt of the Tyrants desired to continue the struggle. Others were ready to come to terms. They finally deposed the Thirty, who soon thereafter left the city for Eleusis and other places. A Board of Ten, one from each tribe, was appointed to meet and treat with Thrasybulus. They attempted to bribe him, but without success. As they were unwilling to make terms with the enemy in the Peiraeus, hostilities were renewed.

The Tyrants at Eleusis and the Board of Ten at this juncture sent to Sparta for aid. Accordingly Lysander came and blockaded the Peiraeus, while Pausanias approached it with a land force. The former, Lysander, also obtained for the Oligarchs a loan of one hundred talents, and got himself made harmost or governor of Athens. Pausanias seemed to have had no special liking for him, and hence was in no way anxious that he should gain new honors. Accordingly he persuaded the Ephors to withdraw the guard from Athens, and, after a little pretense and a skirmish or two, he gave the party, whom he had been called to fight, indications of his readiness to receive a committee to confer regarding peace. The Board of Ten in the city was replaced by another Board of the same number which was disposed to come to some settlement of difficulties, if possible, with the Democrats. This committee was sent to Sparta, a conference held, and a settlement arranged providing that there should be a complete amnesty and restitution of property to all; that the Thirty, the Ten Commissioners (not the Ten who succeeded the Thirty in the city), and the Eleven should be excluded from this amnesty, unless they submitted to the usual scrutiny; that those of the city party who were afraid to remain in Athens should be permitted to live at Eleusis. Though those matters occupied some time, Thrasybulus was in possession of Athens before the end of June, 403 B.C.

6. Thus ended the brief but terrible reign of the Thirty Tyrants. The old Senate and Public Assembly were restored, the courts reopened, archons appointed, and the government in the main was reëstablished in the same form that it had before the terrible reign of the Thirty. The chief archon for the year 403-402 B.C. was Euclīdes, a name prominent ever thereafter. The previous year there had been no archon. It had indeed been a year of fearful anarchy. The peace was ratified by a solemn procession and a sacrifice to Athene on the Acropolis.

The Democrats, though restored to power, were moderate in their use of it. The Tyrants who had fled to Eleusis endeavored for a time to renew the conflict, but without success.

Archīnus got a law passed which provided that an action for an offense alleged to have been committed under the rule of the Thirty might be met by demurrer, that is, that the offense committed was covered by the amnesty, and could not receive consideration unless the demurrer was first set aside. For some time after the restoration of the Democracy, the courts were full of business connected with private property interests that had been seriously injured by reason of the tumult, commotion, and lawlessness that had characterized the rule of the Thirty.

## III

## LEGAL PROCEDURE. — COURTS

1. **Kinds of Trials.** At first the general term for a suit at law was δίκη. A private suit, that is, a case in which one citizen was brought to trial by another, was called ἰδία δίκη; a public suit, or a case in which the state was a party, was termed δημοσία δίκη. Later, for example, in the time of Lysias, the single word δίκη generally meant a private suit, while γραφή was used for a public suit.

Suits were also divided into δίκαι ἀτίμητοι, in which the penalty was fixed by law, and δίκαι τιμηταί, in which the penalty was not thus fixed, but determined at the close of a trial.

Suits were still further divided into δίκαι κατά τινος, the complaint being against the personal conduct of the defendant, and δίκαι πρός τινα, the object of which was to settle a question of legal right between the parties concerned. There were also methods of

procedure by summary arrest, for example, by ἀπαγωγή, in which the accused, caught in some act, was taken immediately before the magistrate by the plaintiff; by ἔνδειξις, in which the magistrates had the accused brought before them on the charge of performing public functions for which he was disqualified by law; and by εἰσαγγελία, in which the accused, for some heinous public offense, such as treason, was arrested by order of the Senate or the Assembly, and then usually turned over to a court for trial.

2. **The Summons.** The first step in bringing a regular suit in the courts was the summons (κλῆσις or πρόσκλησις). The accuser was required to summon (καλεῖσθαι or προσκαλεῖσθαι) the defendant to appear before a certain officer, according to the nature of the case, at a certain time and place. This summons had to have witnesses, usually two in number, to make it lawful, and any dishonesty or deception on their part was punishable by a process called γραφὴ ψευδοκλητείας. The accused generally had to appear within five days after he was summoned, and hear the complaint against him. The plaintiff in making the summons was not allowed to enter the defendant's house. He could call him outside, or, in case he would not come, read the summons in front of his house, and make a service by publication through a court officer. The plaintiff was required, before the time for the first appearance of the parties before the magistrate, to present, in written form, the complaint (ἔγκλημα or λῆξις) that he had against the defendant.

3. **The Answer to the Summons.** The next step in the suit was the first appearance of the parties, in compliance with the requirements of the summons, before the proper magistrate. If the defendant failed to appear at the proper time and place, judgment was given against him by default. If both parties to the suit appeared as per agreement, the magistrate decided whether or not the suit was εἰσαγώγιμος, that is, whether it was brought before the proper court, in proper legal form, and within the time required by law after the cause for the suit had arisen, and was duly attested by the witnesses to it. If the requirements and conditions were found to have been properly met, and the defendant was unable to establish any objection to the form of the suit, both parties to the trial made deposits for court fees, the magistrate in charge wrote the complaint on a tablet (σανίς, λεύκωμα), and published it by

hanging it up near his office. The defendant put in his counter-plea (ἀντιγραφή), and the case was now ready for the next step, called the ἀνάκρισις or preliminary trial.

4. **The Preliminary Trial.** The third step was the preliminary trial (ἀνάκρισις), and consisted in the arrangement of the facts and evidence in the case, as well as the principles involved, for use at the trial proper. This evidence, offered by both sides, was made up of the laws (νόμοι) applicable to the case, and presented in written copies by the parties concerned; the evidence of documents such as wills, contracts, public records, and the resolutions of the Assembly; affidavits as to the facts in the case; the testimony of slaves obtained under torture; the evidence of witnesses or free citizens who might be called in by either side. Sometimes also evidence by commission, as in modern times, was taken. A man was not generally allowed to testify for himself. Each party to the suit confirmed his written statements under oath, at the preliminary trial. This was called διωμοσία or ἀντωμοσία.

If in the collection and arrangement of this evidence the defendant found grounds for interposing objections at any point, the case might be blocked for a time at least, or, if the objections were sufficiently strong and had legal support, cast aside entirely. Such objections often had the effect, perplexing to the plaintiff, of greatly delaying the progress of the suit, as they had to be removed before it could proceed in regular order.

If, however, nothing could be interposed to hinder the course of the trial, or if the objections introduced were set aside, all the written evidence, documents, and laws in the case were sealed by the magistrate in a metal or earthen vessel (ἐχῖνος), and put aside for use at the trial proper. The parties to the suit could still settle the case between themselves if they chose to do so, in which event, of course, it would go no further.

5. **The Trial Proper.** The next step was the trial proper (κρίσις), which took place at a time fixed by law, or arranged by the magistrate who had had charge of the ἀνάκρισις or preliminary trial. At the time and place appointed the parties to the suit appeared, and took their places in court, each on a raised platform. The same magistrate presided as at the ἀνάκρισις. The complaint and answer were read. The parties to the trial then spoke. If they were not good speakers

themselves, they often made a sort of preliminary statement of the case, as best they could, and then called upon a friend (*συνήγορος*, *σύνδικος*) to make the plea for them. The time given to each side for speaking was arranged beforehand, and regulated by a water-clock (*κλεψύδρα*), presided over by a court officer. The flow of water was stopped during the giving of evidence, or the examination of witnesses. The witnesses stood on the orator's platform, and as a rule merely acknowledged the testimony that had been taken at the *ἀνάκρισις* as theirs. Sometimes, however, they were further questioned also. The speakers could question each other, and were obliged to answer. Only judges were allowed to interrupt them.

Many practices were resorted to that are found in modern times, such, for example, as the bringing of the defendant's family into court, who, by their sad faces and copious weeping, it was doubtless hoped, would arouse the sympathies of the judge and jury. Sometimes the defendant tried to produce the same effect by appearing with the olive branch of a suppliant.

The speeches delivered, the jurors voted. Each juror was given two metal disks, one solid for acquittal, the other, perforated in the center, for conviction. There were two urns in the court room, one of metal to receive the ballots to be counted as votes, the other of wood to receive the other ballots. By holding these two disks, one in each hand, with the thumb and finger at the center, only the juror knew which was the solid and which the perforated disk, and consequently no spectator could tell the nature of the vote cast.

After the jurors had voted, the votes in the metal urn were counted, a majority in either direction determining the case. If there was a tie, a verdict was given in favor of the defendant.

If the trial belonged to the class called *δίκαι ἀτίμητοι*, or those cases for which the penalty was fixed by law, the suit was now at an end; if, however, it came under the class *δίκαι τιμητοί*, or cases for which the punishment was not prescribed, the amount of damages had to be settled before the case could be dismissed. In such trials the plaintiff put in his claim, and the defendant a counter plea. The jurors voted on the matter as before. The plaintiff in some private cases, if he lost his suit, was compelled to pay the defendant a sum equal to one sixth (an obol for each drachma *ἐπωβελία*) of the

amount for which the suit was brought. In a civil case, if he failed to get one fifth of the votes of the jury, he was fined 1000 drachmas, and prohibited from ever bringing a similar suit again.

6. **Execution of Punishment.** Οἱ ἕνδεκα, the Eleven, as they were called, looked after the execution of the penalty for crimes; οἱ πράκτορες, after the collection of fines; οἱ πωληταί, after the confiscation of goods. In civil cases, the plaintiff, if successful, had to look after the collection of damages himself, and the defendant was directed to pay them by a given time. If he did not do so, he rendered himself subject to δίκη ἐξούλης (an action of ejectment, or for trespass). There was no appeal from the verdict. If, however, the defendant had been condemned while absent, or by false testimony, he could get a rehearing of the case. The judgment could also be set aside if obtained through perjured witnesses. The usual punishment consisted in the payment of a money fine. Imprisonment was rarely inflicted as a penalty. Persons condemned to die were kept in prison till their execution; sometimes the accused were imprisoned till the day of their trial, unless some of their fellow-citizens went security for them. Before trial, murderers were often free. If they fled, it was regarded as a case of good riddance. Such a fugitive had no civil rights away from home, and was at the mercy of those among whom he went to live.

The death penalty was not infrequent. Other forms of punishment were confiscation of property, and ἀτιμία, — that is, a partial or complete loss of the rights of citizenship.

7. **Court Magistrates.** The Archons were the most important magistrates, who examined, prepared, and presided at the court trials at Athens in the time of Lysias. Of these there were nine. The first, the Archon Eponymus, had charge of cases regarding domestic relations; the second, the Archon Basileus, looked after trials concerning the state religion, murder or manslaughter; the third, the Archon Polemarchus, conducted suits in which aliens and metics were concerned. The remaining six junior Archons were called Thesmothetae, and attended to such cases as did not properly belong to some other magistrate.

8. **The Court of the Areopagus.** The Court of the Areopagus was the oldest judicial body in Athens. Down to about 500 B.C this court had very wide jurisdiction. Thereafter its powers were

gradually taken from it and given over to the popular tribunals. In the time of Lysias it seems to have been restricted in its jurisdiction to cases of murder, of poisoning (fatal cases), and of arson. It had the care also of the sacred olive trees, and exercised general control in matters of state religion. It met either on the hill whence it derives its name, or in the office of the Archon Basileus in the market place. It was composed of ex-Archons who at the close of their service as Archons had successfully passed the ordeal of an investigation of their official conduct, besides a special examination before the Areopagus itself. It was called by the Greeks *ἡ βουλὴ ἡ ἐξ Ἀρείου πάγου*, or *ἡ ἐν Ἀρείῳ πάγῳ*, and, like the Senate, was often addressed as *ἡ βουλή*.

9. **The Heliastic Courts.** The court that attended to most of the law business in ancient Athens was named the Heliastic. It was so called, it is said, from *ἡλιαία*, "sunny" hall, the place of the chief law court. Native citizens over thirty years of age were eligible to this body, instituted to decide law cases for the people. As a matter of fact, only about 6000 people belonged to this court at one time. The number of jurors appointed to hear a given case varied according to its importance. The smallest Athenian jury that we know of consisted of at least 200 men, while, we are told, juries in some cases numbered as many as 2500. They were not, usually at least, assigned in even hundreds, but an additional man was added in each instance in order to avoid a tie vote. Thus, for example, the juries would number 201, 301, 2001, instead of 200, 300, 2000, etc.

There were many court rooms in Athens, — the exact number is not known, — and to these were assigned the various sections of the Heliastic courts. At first the same section was assigned to the same place for a year. Such an assignment afforded opportunities for collusion and bribery, and had to be changed. Indeed, Aristophanes, in his comedy of the Wasps, pays his respects to this arrangement and its defects. Later, the sections were changed from place to place, and in some cases the individual members of a section were moved about and separated to insure fairness and honesty in their decisions.

The body of Heliasts was divided into ten sections, and designated by the letters of the alphabet from A to K. Each Heliast,

or juror, was given a bronze ticket, on which were stamped his full name and the letter of the section to which he belonged.

Each day these sections were assigned to the various court rooms in the city in the following way : There were two urns, in one of which were placed the letters of the various sections of Heliasts, while in the other were the letters designating the various court rooms. The Thesmothetae took one ticket from each urn at the same time, and made the assignment, handing them to a juror. For cases requiring less than an entire section, probably an additional selection by lot was made.

The various court rooms were also indicated by the color of the lintel over the door. Each juror was given a staff of the same color as the lintel of the room to which he was assigned. This assured him admission to the court. On entering he gave up his staff, and received a ticket entitling him to his fee at the close of the sitting. This fee was at first two obols (six cents), but in the time of Lysias and the other Attic orators it had been increased to three obols (nine cents) a day.

The parties to the suit and the jury were separated from the spectators in the court room by a railing (δρύφακτος). Within this railing were wooden benches for the jury, a platform for the presiding magistrate, one for each party to the suit, one for the speakers and witnesses, a water-clock (κλεψύδρα), and a table for the voting urns.

## IV

## GREEK ORATORY

1. Oratory was the last form of literary prose developed by the ancient Greeks. It is true that we find in the Iliad of Homer examples of spontaneous speech. Odysseus, Nestor, Phoenix, and other prominent Homeric characters in that great poem, speak eloquently in council and debate. But in the speaking of that time and for centuries thereafter the attention of the speaker was directed more to the substance of his remarks than to style of composition and manner of delivery. The best counselors and debaters of those early days displayed in their efforts a natural eloquence, but it was not developed nor polished by the rules of oratory that prevailed

at a later time. As monarchies, oligarchies, and tyrannies passed away in various parts of the Greek world, giving place to democracy, and as greater liberty, ambition, and hope came to the masses of the people, the conditions for the general development of public speaking were more favorable.

But even in these changed conditions, a long period was necessary for Greek oratory to grow and develop into the dignity of a fine art. The attainment of great excellence in anything of moment is not a matter of days, but of years. In the case of Greek oratory a century of development under the most favorable circumstances passed before the highest achievements were reached. It is true that early in that century of growth in eloquence, agreeable and forcible speakers arose. Themistocles, prominent in the Persian wars, was accounted a good orator by his contemporaries, we are told, and was listened to with pleasure. Pericles, the great statesman, a little later, also attained rank as a public speaker, his words being spoken of as Olympian thunder. He had, it is said, a magnificent presence, a calm, dignified bearing, and a mind of unusual depth and grasp.

Yet the oratory of those speakers, which was chiefly of a political nature, was wanting in that method, theory, and artistic finish that characterized the oratory of a later time.

Now the development of Greek oratory from its crude beginnings in the fifth to the crowning excellence to which it attained in the fourth century B.C. was strongly influenced in three ways: first, by the teaching of the early Sophists from the East; second, by the teaching of the Rhetoricians of Sicily; third, by the work of Logographers, or speech writers.

The early Sophists from the East were the first to exert an influence on the development of Greek oratory. The masses found themselves in possession of new privileges and opportunities, that came to them by reason of the favoring conditions resulting from the changes in the forms of governments, and the inauguration of new institutions. It was necessary that they should be trained to properly meet the requirements of the new order of things. This training the early Sophists undertook to give. They went about from place to place, delivering lectures, teaching the young, and preparing them to meet the new demands of public life, among the

chief of which was readiness in public address. They, therefore, sought to render their pupils keen in argument and versatile in speech. To this end they taught them logic and grammar. In the use of logic they claimed to train their followers to such a point of skill as to be able to defeat an antagonist on his own ground, often by making the weaker appear the stronger argument. In grammar they sought to teach accuracy in the meaning and use of words. They supplied them with a treasury of "commonplaces" to draw from as occasion required, consisting of plausible maxims to be used now with the old, now with the young, now with the rich, now with the poor. These often contained contradictory statements and verbal quibbles, — as, for example, "Might is right," "Might is not right," — and the orator was to use that one best suited to the case in hand, without much regard to questions of morality, the object being to win the case, even, if necessary, at the sacrifice of truth.

While these early Sophists, prominent among whom were Protagoras and Prodicus, contributed somewhat to the development of Greek oratory, still public speaking in their hands was far removed from the dignity and importance of a fine art. By their instruction in logic and grammar they prepared the way, as it were, for the next step in the progress of Greek eloquence. This step was to be taken through the influence of the Rhetoricians of Sicily.

The Rhetoricians of Sicily taught a *theory* of rhetoric. It was developed from the practical needs of the times. Owing to political revolutions, the Sicilian law courts were filled with cases involving personal rights and property interests, both questions of great moment to the parties concerned. People in such straits, compelled, as they were, to make their own pleas, stood greatly in need of oratorical power.

It was for such persons that the Sicilian rhetoricians wrote their works. They taught an orderly arrangement of the parts of a speech, making it to consist of an introduction, exposition, arguments, remarks, and peroration. They also laid great stress on arguments from the probabilities in a case; that is, as to whether or not certain things were likely to happen in a given matter in view of the circumstances attending it. In addition to instruction in rhetoric proper, they also taught grace of voice and gesture.

The first Sicilian rhetorician of whom we know anything was Corax, who wrote a work on the Art of Words (no longer extant) for the use of litigants in the law courts. Tisias, his pupil, was another rhetorician of the same island and school, and, it is thought, numbered among his students the orator Lysias. Gorgias, however, was the greatest of all the Sicilian rhetoricians. When sent on an embassy by his people to Athens in 427 B.C., he so charmed the Athenians by his fluency and grace of speech that they at once began to imitate and copy his style of oratory. He became exceedingly popular, established a school at Athens, and taught for many years. He was florid and often turgid in style, and made free use of the antithetic and balanced structure in his sentences. On the characteristics of the Sicilian rhetoric, see remarks under the Style of Lysias.

The Logographers, or speech writers, also greatly promoted the growth of Greek oratory. Indeed, they elevated it to the rank of an art, and made it a branch of literature. In the early days of Greek democracies, when the people all received much the same education (which was, indeed, little enough), and when there was no such thing as finished, polished oratory, such as characterized the fourth century B.C., the differences between speakers in general were not so great as at a later date. When, however, oratory became a fine art, and all did not have the advantage of the same training, greater differences arose. Consequently, the untrained speaker, when pitted against an opponent thoroughly skilled in the art of persuasive utterance, found himself at a great disadvantage, by reason of the wonderful influence upon a Greek jury of a skillfully prepared and well-delivered oration. This state of things called into existence a class of speech writers (λογογράφοι), whose business consisted in preparing speeches for the use of those who were untrained in public speaking. Many of the great orators, for example, Antiphon, Lysias, and Demosthenes, were λογογράφοι as well, since, besides preparing their own orations, they wrote speeches for others. It is to these Logographers, or speech writers, no doubt, that we are indebted for the preservation of many of the Greek orations that have come down to our time. See what is said on the λογογράφοι, under the Life of Lysias.

These three agencies, then, the Sophists from the East, the

Rhetoricians of Sicily, and the Logographers at Athens, were the chief forces in promoting the growth of ancient Greek oratory. The principles and practice of the art of public speaking thus acquired were constantly taught in the rhetorical schools of Athens, until, at last, a literary style of the greatest elegance and power was attained.

Greek oratory reached its highest development in the fourth century B.C., the period of the so-called ten Attic orators. It was then characterized by great polish, euphony, beauty, and force. Among its chief representatives were the charming Lysias, the polished Isocrates, the great lawyer and master of forensic speech, Isaeus, and the matchless Demosthenes, who combined in his oratory all that was best in that of others, and added thereto his own inimitable harmony and power. Near the close of the fourth century B.C., Greece lost her independence, — the source and inspiration of her oratory. With the incentive and occasion for public speaking gone, eloquence declined, never again to rise and reach the lofty heights to which it soared when Greece was free and fired with patriotic zeal.

There were many opportunities and occasions in ancient Athens for public speaking. For example, there was the ASSEMBLY, in which the citizens were privileged to meet and speak on the various matters presented for deliberation and discussion. COURTS were established in which suits at law were settled. EXAMINATIONS (*δοκιμασίαι*) were made into the fitness of candidates to enter upon the duties of the offices to which they were elected, and other examinations (*εὔθυναι*) into their official conduct at the close of their terms of office were held. At both of these examinations or scrutinies, one at the beginning, the other at the end of an official term, the candidate for, or the incumbent of a position, might be called upon to defend himself against a charge of unfitness for office, or dishonesty in its management, especially at the hands of an enemy or unprincipled rival.

These institutions in democratic governments, namely, the public assemblies, the law courts, as also the scrutinies, offered opportunities, and often imposed necessities for public speaking. While the Assembly afforded an excellent opportunity for public address, and a good orator could there gain fame and preferment at the hands

of his countrymen, yet people were not compelled to speak in that body. It was when attacked in their scrutinies or brought to trial in court that they had to speak. Then the untrained were sadly in need of help in the preparation of their speeches. There were no attorneys, in our sense, to relieve them of their difficult tasks. Each citizen had to state his own case, and make as good a showing as he could. Sometimes, indeed, he was followed by other speakers (*συνήγοροι, σύνδικοι*) by way of aid or support, but he was required in his own person to make the first address or statement.

## V

## ΑΤΙΜΙΑ. — ΛΗΙΤΟΥΡΓΙΑΙ

1. There were three kinds of *ἀτιμία*; temporary, total, and partial. The first kind, or temporary *ἀτιμία*, arose from indebtedness to the state, and could be removed by discharging the debt in any given case. This indebtedness could arise in various ways, e.g.:

(*a*) By contempt of court.
(*b*) In public suits.
(*c*) By losing a suit on an audit.
(*d*) By being summarily convicted and fined by a magistrate.
(*e*) By purchasing a contract for a tax and failing to pay.
(*f*) By giving bail to the state.

The second kind, or total *ἀτιμία*, excluded a man and his descendants from all civil functions, and could result from many crimes, e.g.:

(*a*) From theft or bribe taking.
(*b*) From military offenses.
(*c*) From giving false evidence three times.
(*d*) From ill treatment of parents.
(*e*) From making a false indorsement on a summons three times.

The third kind, or partial *ἀτιμία*, was incurred for a particular reason, and consisted of specific disabilities, e.g.:

(*a*) Those who had served under the Thirty were not allowed to speak in the Assembly, nor to become members of the Senate.

(*b*) Some might not be allowed to bring a public indictment.

(*c*) Some could not lay an information.

(*d*) Some were not allowed to sail to the Hellespont or to Ionia.

(*e*) Some were prohibited from entering the agora, or market place.

2. **Λῃτουργίαι** (Liturgies) was the general name given to certain public services imposed by the Athenian people from time to time on her wealthy citizens. The state thus often relieved itself of some of its burdens. Many citizens resorted to all sorts of devices to escape the performance of these duties. As a result, the state sometimes suffered loss and disaster. If a citizen called upon to perform one of these services felt that another who was richer had been passed by for any reason, he could challenge such a person to an exchange of property with himself, or to assume the liturgy. If the challenge was refused, the matter could be brought before the Heliastic court for settlement. If the defendant lost the case, he had to choose between the alternatives proposed by the plaintiff.

Of these public services there were several kinds, of which we may mention the following:

(*a*) **Τριηραρχία** (Trierarchy), or the fitting out of a trireme, originally by one man, then by two, and still later (about the middle of the fourth century B.C.) by a company of men called symmories or navy boards. These consisted of the 1200 wealthiest citizens, and were divided into twenty groups, each containing sixty men. These groups were in turn divided into small bands, each of which furnished one trireme, and named its captain. When two men together provided a trireme, each commanded it for six months. This burden could not be imposed upon the same citizen oftener than once in two years.

(*b*) **Χορηγία** (Choregy), or the furnishing of a chorus by the richest citizens for various public festivals, particularly that of the greater Dionysia, held in March of each year, on which occasion new tragedies were presented in the theater. This furnishing included the costuming of the chorus, and the payment of the musicians who trained it. This often proved to be a very costly public service. Wealthy citizens vied with one another in its performance, and the man who presented the best chorus received a prize. Some-

times the duty of providing a single chorus was imposed on two or more persons.

(*c*) Εἰσφορά was also a kind of λητουργία. It was properly a special public tax imposed on the people, according to their individual wealth, in time of great financial stress, as, for example, during a long and expensive war. It was a sort of income tax.

## VI

## ATHENIAN MONEY

The approximate value in United States money of the various amounts named by Lysias in some of his orations may be computed from the following table:

ATTIC MONEY

| | | |
|---|---|---|
| 1 obol . . . . . | = | $0.03 |
| 1 drachma . . . . | = | 0.18 |
| 1 mina . . . . . | = | 18.00 |
| 1 talent . . . . . | = | 1080.00 |

The obol and drachma were silver coins. Of the former, there were pieces of various values, e.g., the three-obol piece (.09), the half-obol piece (.015), and the quarter-obol piece, a little less than 1 cent in United States money; of the latter, a four-drachma piece (.72) was quite common. Copper was used for coins below the half-obol.

The mina and the talent were weights. The talent was in terms of money equal to 57.75 pounds avoirdupois of silver, and had the value of 6000 drachmas.

The Daric was a Persian gold coin equal in intrinsic value to about $5.40 of United States money. It passed for 20 drachmas among the Attic Greeks.

The Cyzicene Stater was a coin of the town of Cyzicus on the Propontis, and was made of electrum, a mixture of gold and silver. It was valued at 28 Attic drachmas by the Athenians.

# CHRONOLOGY

B.C. 459. Birth of Lysias (traditional date).
444. Birth of Lysias (according to many modern scholars).
431. Beginning of the Peloponnesian war.
429. Lysias and his brother Polemarchus go to Thurii in Italy.
Death of Pericles.
412. Lysias banished from Thurii.
411. Lysias in Athens again.
The Four Hundred established in power and overthrown.
406. Battle of Arginusae. The generals condemned.
405. Battle of Aegos Potami (August).
Siege of Athens begun (late autumn).
404. Embassies to the Spartans.
The meeting to consider peace (April).
Athens surrenders. The exiles of the aristocracy return.
Lysander conquers Samos.
The meeting concerning the change of government (Sept.).
The Thirty in power.
Lysias in exile.
Theramenes put to death.
Thrasybulus at Phyle (winter).
Those not in the catalogue of the Three Thousand disarmed.
The Eleusinians slaughtered.
Thrasybulus at Munychia. Death of Critias.
The Thirty deposed. The first Ten.
403. The government of the first Ten.
Second Ten (spring).
Pausanias at Athens.
The reconciliation.
Return of the Patriots (autumn).
Lysias given citizenship, then deprived of it.

B.C. 403. Lysias' oration XII (Against Eratosthenes).
Lysias' oration XXXIV (A Plea for the Constitution).
401. The Thirty overthrown in Eleusis.
Lysias' oration XXXII (Against Diogeiton).
398. Lysias' oration XXXI (Against Philon).
395. Corinthian war. Battle of Haliartus. Death of Lysander.
Lysias' oration VII (On the Sacred Olive Tree).
389. Death of Thrasybulus, the hero of Phyle.
387. End of the Corinthian war. Peace of Antalcidas.
380. Lysias' oration CXX (For Pherenīcus).
378. Death of Lysias (traditional date).

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